United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/412
11 February 1993

# HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON SITUATION IN FORMER YUGOSLAVIA

## Hears Address by Austrian Minister for Women's Affairs

GENEVA, 10 February (UN Information Service) -- In the conflict in the former Yugoslavia, rape was being used as a weapon to wage war against women, Austria's Minister for Women's Affairs, Johanna Dohnal, told the Commission on Human Rights this morning as it continued discussion of human rights violations in the former Yugoslavia. The assaults against the physical integrity and human dignity of women had become both method and part of a cynical strategy of warfare, she said.

However, women were raped not only in war but also in peacetime, the Minister added. It was the everyday violence against women in society which made men resort to the strategy of systematic rape in war. She called for intensified efforts to outlaw all violence against women. The rights of women should be made a priority at the World Conference on Human Rights scheduled to be held in Vienna in June.

The Commission this morning also heard calls for the international community to act expeditiously to prevent the outbreak of war in Kosovo, and to help end the suffering of the civilian population, particularly the Muslim community of Bosnia and Herzegovina. Speakers also called for the criminalization of the abhorrent policies of systematic rape and "ethnic cleansing" as war crimes and the establishment of international judicial mechanisms to prosecute perpetrators of those crimes.

At its previous meeting, the Commission heard the introduction of a report on the human rights situation in the former Yugoslavia by Tadeusz Mazowiecki, Special Rapporteur on the subject.

Statements were made by Hungary, Malaysia, Chile, Finland, China, Tunisia, Croatia and Egypt. The following non-governmental organizations also addressed the Commission: International Federation of Human Rights, Coordinating Board of Jewish Organizations, Commission of the Churches on International Affairs, International Confederation of Free Trade Unions, International Association of Educators for World Peace, International League

(more)



For information media--not an official record

for Human Rights, Pax Christi International and International Progress Organisation.

Iran spoke in exercise of the right of reply.

Statements Made

GYORGY BOYTHA (Hungary) expressed his deep concern over the deterioration of the human rights situation in the Serbian-controlled areas of Bosnia and Herzegovina. As an expression of its solidarity with the victims of human rights abuses, Hungary had given shelter to over 60,000 refugees from the former Yugoslavia and had provided temporary transit assistance to 350 ex-detainees from camps in Bosnia and Herzegovina. Hungary was gravely concerned about the fact that despite the resolute and unanimous condemnation by the international community, ethnic cleansing continued to be pursued, being essentially not a consequence but a definite purpose of the war. He was also alarmed by the wide-spread and systematic rape of Bosnian Muslim women.

He reiterated the call for timely and appropriate action by the international community to protect the human rights of all the minorities in all regions of the former Yugoslavia. He fully shared the views of the Special Rapporteur on the need to deploy immediately human rights monitors as a preventive measure. Recent developments pointed to the necessity of ensuring the safety of the Hungarian minority in Vojvodina. It was of utmost importance that the Special Rapporteur be provided with all necessary professional and logistical assistance to enable him to carry out his tasks effectively. Furthermore, the human rights dimension of the political settlement could not be handled satisfactorily without the recognition of the special role of the Special Rapporteur.

FLAKA SURROY, of the International Federation of Human Rights, said that her organization regretted the weak implementation of the Special Rapporteur's recommendation concerning the protection of victims of human rights abuses and the prevention of those violations. The Federation was particularly worried by the lukewarm reception that the Special Rapporteur's recommendation to support democratic and human rights groups had received. Such support would be essential to neutralize nationalist ideologies at the start of the conflict and to help a democratic process to emerge. Without such a process the respect for human rights would not be possible. Women and men who had the courage to defend the principles of human rights and democracy were threatened and harassed daily, if they were not killed, she said. However, they represented the only hope for a future coexistence between the peoples of the former Yugoslavia. Therefore, her organization called for effective international protection of democratic groups and the media.

On another issue, she said that Kosovo was in a very explosive situation, given the massive arming of the Serbian and Montenegrin population by the Serbian authorities as well as the activities of the Serbian paramilitary groups. To prevent the extension of the conflict to Kosovo, the Commission should urge the Serbian authorities to lift the military state of emergency in Kosovo. The Commission should also request the Security Council to deploy

United Nations peace-keeping forces in Kosovo. That would create a suitable climate in which the Albanian people in Kosovo could express their political will, and a just and permanent solution of the problem found. It was also a necessary step to prevent the expansion of the Balkans conflict.

FRANCOIS ULLMAN, of the Coordinating Board of Jewish Organizations, said his organization was made up of survivors or children of those who had escaped the death camps of the last World War. He said it was difficult to tolerate the horrible dramas that were enfolding in Bosnia and Herzegovina. These tragedies which were taking place in the name of "ethnic cleansing" were totally incompatible with all the principles of international law. Those atrocities had at times been committed in the vicinity, if not the presence, of the "blue helmets". Their courage was exemplary, he said, given the difficult conditions under which they worked. However, the violations raised questions about the future credibility of the defence of human rights. He favoured the establishment of an international tribunal to judge war crimes. Sanctions should also be implemented as soon as possible. Those measures seemed particularly important, given the information in the Warburton report, which had alerted the world to the systematic rape of 20,000 women.

M. SCHULLER, of the Commission of the Churches on International Affairs, said that last December an ecumenical women's team went on a mission to Zagreb to talk to women's groups, victims of the war, refugees and civil and international authorities. The team was convinced that there was clear evidence of rape of women by all sides in the conflict in Bosnia and Herzegovina. There was also clear evidence of systematic mass rape as a weapon of war being used, in this instance, by members of the Serbian forces, and that victims included children as young as ten years old and women as old as eighty years old. It seemed clear that the majority of the victims were Muslims. An essential element in supporting women victims had to be the recognition of the injustice they had suffered; international instruments had to be strengthened to ensure condemnation of rape as a war crime. Those who committed such crimes against humanity should not be allowed to do so with impunity. Appropriate attention should to be given to the psychological needs of women raped in war.

The Commission had an obligation to insist upon greater understanding of rape as a gender-specific violation of human rights. She called on the United Nations to set in place the mechanisms necessary to address the question of violence against women. Emphasis should be placed on the need for existing mechanisms to monitor, systematically record and take action on cases of violence against women. That evidence should also be made available to a permanent international tribunal.

HENRY BANDIER, International Association of Educators for World Peace, said that violations of human rights seemed to have been "institutionalized" by some of the parties to the conflict in the former Yugoslavia. His organization had received information from the Mayor of Sibenik, a city between Zadar and Split, on the difficult circumstances of the residents. The Mayor said he could not understand why the world remained so passive with regard to the misery of Croatia and Bosnia and Herzegovina. Mr. Bandier also

(more)

expressed his serious concern with regard to the recent fighting in the Krajina region which was producing yet another flow of refugees. The world had the duty to help the people who were suffering. The current misinformation being propagated also had to cease.

JOHANNA DOHNAL, Federal Minister for Women's Affairs of Austria, also talked about sexual violence against women in the former Yugoslavia. The findings of the Special Rapporteur demonstrated the enormous dimension of rape in the war. Solid evidence had been found that Croatian, Muslim and Serbian women had been detained and repeatedly raped. However, the vast majority of victims were Muslim women of Bosnia and Herzegovina. Rape had been a common feature in wars throughout the centuries, but the atrocities in the former Yugoslavia went far beyond those abominable experiences. The findings of the Special Rapporteur made clear that rape had been used an an instrument of the practice of so-called "ethnic cleansing" in Bosnia and Herzegovina and Croatia. The assaults against the physical integrity and human dignity of women had become both method and part of a cynical strategy of warfare.

In the conflict, rape was used as a weapon by men "who fought each other through the bodies of their enemies' wives, daughters and mothers", she said. There was no doubt that the civilian population as a whole suffered enormously. Yet, the conflict was particularly a "war against women" on a hitherto unimaginable scale. Women were destroyed for the rest of their lives, she declared, both physically and mentally. Some even committed suicide.

Rape was a violation of the most basic human rights as well as of the norms of international humanitarian law, she said. The efforts of the international community must be aimed at ending the monstrous violence against women, violence which could only be perpetrated on such a scale in the war because violence against women in general was a widespread feature. Women were exploited and raped not only in war but also in peace. It was the everyday violence against women in society which made men resort to such a strategy in times of war. Therefore, efforts to outlaw violence in general against women had to be intensified. In that context, she supported the proposal to entrust a special rapporteur with the task of further investigating violence against women.

The World Conference on Human Rights to be held in Vienna in June would provide an excellent forum for further action, she continued. The rights of women had to be made a priority issue in the context of the overall protection of human rights. The abhorrent abuses of women in the former Yugoslavia once again proved that women's rights were constantly in danger. She urged the Commission to maintain the high level of attention it was dedicating to the rights of women.

GUY RYDER, a representative of the International Confederation of Free Trade Unions, condemned the outrages that had been perpetrated in the former Yugoslavia, particularly against the Muslim community of Bosnia and Herzegovina by Serbs carrying out "ethnic cleansing". There was widespread and justified concern in the international community over the potentially

(more)

explosive situation in Kosovo resulting from the severely repressive measures imposed on the ethnic Albanians who constituted almost 90 per cent of the population. The danger of an upsurge of violence was real; violence would bring with it the risk of a wider Balkan conflict going beyond the borders of the former Yugoslavia. He urged an immediate end to the repression in Kosovo and, in view of the widespread distribution of arms among its Serb and Montenegrin population, also called for the deployment of international human rights observers in Kosovo. He provided examples of the variety of discriminatory measures directed against Albanian workers in Kosovo and added that evidence of widespread and severe mistreatment and torture of prisoners had also been extensively documented.

Concerning the mass rape of women, he called on the Commission to state explicitly that rape, as carried out in the context of the conflict in the former Yugoslavia, constituted a war crime and that on this basis its perpetrators should be subject to prosecution for the acts that they had committed. It should also recommend the establishment of the international judiciary processes to make such prosecutions a reality. That would also be an effective deterrent to the type of abhorrent acts that had taken place. Further, the Commission might consider it opportune to recommend a more thorough and broader examination of the phenomenon of rape as a human rights violation.

EVE PORTER, of the International League for Human Rights called for rape, "forced pregnancy" and "ethnic cleansing" to be explicitly identified as war crimes; for full individual accountability for perpetrators of war crimes and human rights atrocities; and for the establishment of an international war crimes tribunal to assure that those responsible were actually brought to trial. She urged the United Nations to implement procedures ensuring the systematic collection, collation and publication of information concerning the present situation in the former Yugoslavia. The international community should not, directly or indirectly, condone the policy of "ethnic cleansing" or the acquisition of territory by such means. There should also be effective individual accountability for those who had seriously violated international principles during times of war and committed atrocities. Those in positions of authority who had condoned or tolerated such action should also be held accountable.

There was an urgent need to establish some form of international war crimes tribunal. Should any form of amnesty be adopted for those who had merely participated in the armed conflict, such amnesty should not be granted to the commission of serious violations of international humanitarian law. She also called for a systematic collection of data on human rights abuses and suggested that the mandate of the United Nations Protection Force (UNPROFOR) be expanded accordingly. Its civil police monitors should have a mandate to collect information and receive complaints on human rights in areas of the former Yugoslavia, notably Bosnia and Herzegovina, where it currently did not have such authority. It should be authorized to react to the violations promptly and in appropriate ways, both to prevent and deter such acts and to record them.

JACQUES VITTORI, of the Pax Christi International, said his organization would not point a finger at any community as being the only one responsible for the horrors of the former Yugoslavia. Pax Christi had undertaken various missions to the former Yugoslavia in order to help the victims and to support the peace-keepers. Its members had discovered communities where people of different ethnic and religious groups lived together. His organization had also begun cooperating with humanitarian and pacifist movements. The international community had to prevent a war from breaking out in Kosovo. He called on the public to find new ways of helping the victims of the war. He also called on the Security Council to endorse firmly the peace plan but to refrain from the use of force. Military intervention would only add to the violence.

O. KRAMMER, of the International Progress Organization, called for decisive and rapid intervention in order to end the cruel suffering and death of the civilian population, particularly the Muslim community, of Bosnia and Herzegovina and to bring those responsible for that genocide to justice. His organization had called for the immediate re-establishment of the borders as they were in June 1991; the withdrawal of Serbian armed forces from the territories they had occupied, especially in Croatia and Bosnia and Herzegovina; and the recognition of Kosovo and Macedonia as independent states. The precondition for any steps towards ending Serbian aggression and genocide was a thorough analysis of the causes of the war, which must include the geopolitical aspect. Only such an analysis could lead to a phase of rapid reconstruction and peaceful development in the whole region.

Continuing, he said the political and military leadership of Serbia must be accused of the following crimes against humanity: planning and carrying out a war of aggression and genocide; provoking or aiding countless war crimes on the part of Serbian units. Not only should the Serbian criminals be brought to justice but also those political representatives of different countries who encouraged and supported the Serbian war of aggression. Leading politicians of the former Soviet Union and Russia, Great Britain, the United States, France, as well as other European Community States and responsible international organizations like the United Nations, were to be charged with aiding and abetting the Serbian war of aggression as well as neglecting to provide aid and comfort to the Croatian and Bosnian victims of that war.

MUSA HITAM (Malaysia) stated that the continuing savagery and destruction in the territory of the former Yugoslavia, especially in Bosnia and Herzegovina, was not a civil war as some would have it. It was the consequence of the quest for "a greater Serbia" by the Serbian leadership in Serbia and Montenegro, local Serb leaders and their forces, as well as elements of the Yugoslav National Army. It was unimaginable how Europe could allow the re-enactment of the crime of genocide on the continent in the same century. The majority of countries at the United Nations had urged the Security Council to take urgent and resolute action under Chapter VII of the Charter. Regrettably, the Security Council, under the influence of certain countries, had yet to act.

(more)

Now that the peace proposal of the Co-Chairmen of the international talks on the former Yugoslavia was before the Security Council, the Council should respect the views of the majority of the Members of the United Nations. It remained troubled that the delineation of the borders of the provinces proposed in the peace plan would be tantamount to legitimizing Serbian acquisition of territory by use of force and through "ethnic cleansing". He hoped that the new United States Administration, which was sympathetic to the plight of the Bosnian Muslims and shared many of Malaysia's concerns about the Vance-Owen peace plan, would play a more decisive role in getting the Security Council to address those concerns and bring about a just and durable peace in Bosnia and Herzegovina. History would judge the Council harshly, as it would certainly judge the Europeans, for any further inaction, he said. The Commission should call for the establishment of an international war crimes tribunal, as a matter of top priority.

FELIPE PORTALES (Chile) said that it was a challenge to the international community to see the constant bombardment of Sarajevo and the suffering of the population there. That act in itself should be recognized as a war crime. The principles of self-determination and of democracy were indivisible. Serbian hegemony had been felt even in the former Yugoslavia since 1918. The first aggressive reaction was against Slovenia, which illustrated that Serbians did not respect or intend to defend ethnic minority rights but wished to protect their domination. It was the same in Croatia and in Bosnia and Herzegovina, where there was a sizeable Serbian minority. The Serbs had also admitted that they did not respect the view of the majority in Bosnia.

The Serbian leadership, he continued, was interested in a territory where all the members would be of the same race. That was an aggressive, racist theory. The disintegration of Croatia and Bosnia and Herzegovina would be a terrible precedent encouraging racism and chauvinist groups which promoted national expansionism. It would also signal a triumph for aggression and for the perpetrators of crimes such as "ethnic cleansing".

HANNU HALIFN (Finland), speaking on behalf of the Nordic countries, stated that while there had been reprisals from all sides, the Serbian side bore the primary responsibility for the atrocities. He expressed disappointment that the peace proposal had not yet met with the approval of all parties. The Nordic countries strongly believed that a negotiated peace settlement provided the only viable solution for the future of the peoples of Bosnia and Herzegovina. He appealed to all parties to the conflict to refrain from further use of force and to stop human rights abuses. Further, he urged all parties to subscribe to the peace proposal in full. The proposal for a new constitutional settlement in Bosnia and Herzegovina, which was a part of the peace proposal, contained strong safeguards for the protection of human rights and the rights of minorities.

The Nordic countries encouraged the Special Rapporteur to continue to collect and analyse information. The agony of the victims, of women raped and children abused, and the pain and suffering of those tortured and brutally mutilated, called for justice, including remedial action for the individuals concerned. He called for the early establishment of an international tribunal

to process legal cases on alleged war crimes. The legal mechanism should be an ad hoc arrangement which would not interfere with the possible establishment of an international criminal court on a more permanent basis. In order to deter effectively the emergence of human rights crises, he called for an effective early warning mechanism with sufficient coordination and cooperation capability with other relevant bodies of the United Nations system. It was also necessary to prevent a further proliferation of the armed conflict to areas beyond Bosnia and Herzegovina and Croatia. The Nordic countries stressed the expansion of the Conference on Security and Cooperation in Europe (CSCE) monitoring missions in Kosovo, Vojvodina and Sandzak.

The United Nations High Commissioner for Refugees (UNHCR) as a lead agency for humanitarian assistance in the former Yugoslavia, other United Nations agencies and relief organizations, as well as the International Committee of the Red Cross (ICRC), must be guaranteed safety and full cooperation by all parties to the conflict in order to enable them to carry out their humanitarian tasks, he said. The Nordic countries condemned all attacks against relief staff, sabotage and shelling of the humanitarian relief convoys, he said.

JIN YONGJIAN (China) said that in promoting a solution to the crisis in the former Yugoslavia, the roles of various organs and agencies of the United Nations were mutually complementary. The Commission had done a great deal in promoting the protection of human rights of the people in the former Yugoslavia. A truly enduring and reasonable solution to the crisis in the former Yugoslavia, including the conflict in Bosnia and Herzegovina, could be found only through dialogue and negotiation. Outside action might make the difficult situation more complicated and should also be avoided, he said.

The urgent matter for all parties in the former Yugoslavia, especially in Bosnia and Herzegovina, was to achieve a comprehensive cease-fire as soon as possible and to continue their dialogue and negotiations. That was an important prerequisite for a peaceful solution to the crisis. He called on all parties to the conflict to seize the opportunity and intensify their efforts to settle their differences through negotiations and restore peace at the earliest possible time within the framework of the International Conference on the former Yugoslavia.

MONCEF BAATI (Tunisia) said he hoped that the recommendations of the Special Rapporteur would be implemented. The main victim of the human rights violations was the Muslim population which was subjected to genocide through the practice of "ethnic cleansing". Recent reports had shown that serious human rights violations and violations of human rights law continued to take place in Bosnia and Herzegovina. The Government's legitimate concerns had to be taken into account for any viable settlement to work. "Ethnic cleansing" should be halted once and for all. It was essential to ensure that those who had abandoned their homes could return.

The Special Rapporteur's recommendations should be implemented to safeguard the primacy of international law, to strengthen the credibility of the United Nations and to reinforce respect for human rights, he said. The

international community should assume its responsibility and put an end to the tragedy, thus restoring international peace and security.

IVICA KOSTOVIC (Croatia) wondered what could be done collectively by the United Nations to stop the crimes now being committed. Setting up a war crimes tribunal should be the priority. That would not bring back the lives lost but might prove that the world still cared. It was also necessary to act with a view to preventing similar crimes in other areas of former Yugoslavia where Serbian aggression might occur or resurge in the continuing policy of imposing the establishment of a "Greater Serbia". The condemnation of such a policy would not suffice. This time, the Commission should properly label the genocide committed against the Muslim and Croatian population and call for appropriate remedial and punitive measures stipulated in international conventions.

From the very beginning of the aggression against Croatia, its Government and non-governmental institutions had been continuously informing the world of the severe violations of human rights committed by the Serbian aggressors. All reports and evidence showed that Yugoslav and Serbian forces were severely violating international humanitarian laws and conventions. Vukovar was an example of an especially grave breach of the Geneva Conventions. The most brutal crimes were being committed against women who were the victims of mass rape. Particularly difficult was the situation of the displaced persons and refugees from the United Nations Protected Areas (UNPA) under UNPROFOR control. The 500,000 Croats living in those areas had fled from the Serbian aggression. There was even more evidence of violations of human rights committed by Serbian forces and their political leadership. The names of war criminals had already been exposed publicly. However, prompt and effective international action, was lacking. He called for the early establishment of a tribunal to prosecute those responsible for the most cruel crimes committed against humanity.

MOUNIR ZAHRAN (Egypt) expressed extreme concern about the phenomenon of "ethnic cleansing", which was a strategy of war. The militia had resorted to systematic rape of women and children. The international community had to deal with the fundamental questions arising out of the conflict. The Security Council must act under Chapter VII of the Charter and take action against Belgrade. The arms embargo against Bosnia and Herzegovina should also be lifted immediately. The international community should do everything to stop the aggressors from being rewarded, for instance by refusing to grant territory acquired by force. The international community should also provide air cover over Bosnia and Herzegovina and refugees should be allowed to return. The aggressor, namely the Belgrade Government and its accomplices, should pay reparations to the victims.

Statement in Right of Reply

MOSTAFA ALAEE (Iran), speaking in exercise of the right of reply, responded to the statement made by the British Secretary of State concerning author Salman Rushdie. He said that the publication of Mr. Rushdie's "Satanic Verses" was a turning-point in the history not only of blasphemy and

outrage against religion, but also in causing loss of life, violence and inciting religious fervour among Muslims. Most regrettably, the British authorities nevertheless had addressed the issue in an inflammatory manner. Blasphemy could not be justified on the basis of the right of freedom of thought, opinion or expression. It was a despicable act which deserved universal condemnation. Blasphemy, incitement and loss of life caused by Rushdie's book were also issues which should be dealt with by the British authorities in their efforts to address the Rushdie affair.

* *** *

United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/413
12 February 1993

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON VIOLATIONS IN FORMER YUGOSLAVIA

Proposal to Create War Crimes Tribunal Continues to Receive Support

GENEVA, 10 February (UN Information Service) -- The international community had not only failed to prevent and punish genocide in the former Yugoslavia, but had also prevented the victim from effectively defending itself, several speakers told the Commission on Human Rights this afternoon. Addressing the human rights situation in the countries concerned, they criticized the imposition of an arms embargo on Bosnia and Herzegovina for impeding that country from exercising its legitimate right to self-defence. They also deplored the "passive reaction" of the international community to well-publicized and documented human rights abuses occurring in various parts of the former Yugoslavia.

While commending the efforts of Cyrus Vance and Lord Owen, Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, a number of speakers expressed their frustration with the political peace process which, they said, had not yielded any results. Some warned that the conflict might erupt into a much larger one and could affect other parts of Europe. The Commission was also urged to go beyond a verbal condemnation on the issue and to take more concrete action in order to reduce the suffering of the Bosnian people. The proposal to establish an international war crimes tribunal to judge those who had committed war crimes, engaged in "ethnic cleansing" and mass rape, among other human rights abuses, also continued to receive extensive support.

Taking part in this afternoon's debate were the observers for Turkey and Senegal, and the representatives of Japan, Cyprus, Nigeria, Republic of Korea, Mauritania, Bulgaria, Bangladesh, Indonesia, Sudan and Australia.

The Representatives of the following non-governmental organizations also made statements: Minority Rights Group, Amnesty International, World Federalist Movement, International League for the Rights and Liberation of Peoples, American Association of Jurists, Human Rights Advocates, International Fellowship of Reconciliation and France-Libertés Fondation Danielle Mitterrand.

(more)

For information media--not an official record

Statements

GUNDUZ AKTAN, observer for Turkey, said the situation was very simple indeed. When the former Yugoslavia had disintegrated, important groups of Serbs had remained in Croatia and Bosnia and Herzegovina. Serbia was legitimately concerned about the fate of those Serbs. It was possible to satisfy that concern within the Conference on Security and Cooperation in Europe. But, Serbia chose to annex areas where those Serbs lived. It was not content with its territorial conquest and expelled other ethno-national groups from the conquered territories. Thus the greater Serbia was associated with the most painful and criminal "ethnic cleansing" in history. In that process, every human right had been so trampled upon that all other human rights violations catalogued annually by the Commission's rapporteurs appeared pale and small.

For the first time in history, a nation was being deprived of the right of legitimate self-defence against genocide by a one-sided arms embargo. The Government of Bosnia and Herzegovina was forced to negotiate with war criminals while the latter were carrying out "ethnic cleansing", massacring, destroying, bombing and raping. The outcome of the negotiating process was bound to reflect that situation. He asked how the Muslims could accept the "peace plan" of their own free will. If there was an unreliable actor in this process, that would be the international community, discredited with its failure to implement the decisions it solemnly adopted, the speaker declared.

Now, he said, the last straw had come under the "pretext of interim arrangements" in order to dissolve the only legitimate authority in Bosnia and Herzegovina. That was the way the international community was "saving" a country it had recognized. Similar events of much greater magnitude were bound to occur in other parts of Europe with apocalyptic consequences. Europeans had gone back to balance-of-power conditions of the pre-First World War era right in the middle of their political integration process. A simple moral issue which ought to be dealt with on its merits had turned into a realpolitik quagmire.

ALIOUNE SENE, observer for Senegal, noted the bitterness that had followed the presentation of the Special Rapporteur's last report. That bitterness had been due to the fact that six months ago the Special Rapporteur, Tadeusz Mazowiecki, had made the same recommendations he was once again making now. None of the recommendations had been followed up, "ethnic purification" continued, the rate of detention had accelerated and the situation of Sarajevo and other besieged villages and towns deteriorated every day. Worse still was the practice of systematic rape. Those abuses were taking place before the eyes of the international community, which remained passive, despite the concern of world public opinion.

The only political decision taken thus far was the imposition of an arms embargo on Bosnia and Herzegovina. The Security Council should realize that there could be no responsibility without risks. The Commission on Human Rights had to act to put an end to the massacre and atrocities. The time had come for the world to act. Senegal was in favour of setting up an

international tribunal to judge the crimes committed. Bosnia and Herzegovina had to remain a sovereign, independent, democratic and multi-ethnic State.

ANNE C. BLOCH, of the Minority Rights Group, said that the situation in Kosovo was highly volatile and could at any time escalate into a violent conflict as bad, if not worse, than that in Bosnia. It was only possible to guess the consequences for Kosovo of a political settlement in Bosnia which did not allow for the inclusion of the Serbian-controlled areas into Serb territory.

Since neither the leaders of the Serbs nor the ethnic Albanians in Kosovo would accept having the province return to the autonomy provided by the 1974 Constitution, there appeared to be only two alternatives: independence guaranteed by international force or a seemingly inevitable bloodbath, she said. The struggle was very likely to involve Albania, Macedonia, Bulgaria, Turkey and Greece, partly because of the geo-political interest of those States and partly as a result of the likely flows of refugees from such a conflict.

She called for the High Commissioner on Minorities to visit Kosovo as one of his first tasks. The United Nations embryonic early warning mechanisms should immediately be evoked on the situation in Kosovo and possible early action should be considered. Finally, involved international organizations should organize a conference on Kosovo in order to coordinate the different efforts being made to find a solution.

ANDREW CLAPHAM, of Amnesty International, said that recent reports of thousands of Muslims fleeing south-east Bosnia and Herzegovina underlined the urgency of finding out the fate of people in areas where there was almost no international access. In other areas, there was a significant United Nations presence. But it was unclear whether United Nations Protection Force (UNPROFOR) and other United Nations entities had heeded the General Assembly's call to report regularly to the Special Rapporteur about human rights abuses. Amnesty International's research confirmed that rape and sexual abuse of women in Bosnia and Herzegovina was widespread and in some cases had been carried out in an organized and systematic way. It was also concerned about other reports of human rights violations in Croatia. The Croatian army was reported to have been responsible for 72 possible extrajudicial executions in the Osijek region alone in the first nine months of last year. The victims included Serbs.

Given the difficulty of finding out the truth in the present conflict, one could not overemphasize the importance of the Special Rapporteur maintaining an effective presence in the field. The General Assembly had requested the Secretary-General to provide the Special Rapporteur with "a number of staff" in the region. It was therefore disappointing that so far he had only been able to send one person, with little logistical support.

Moreover, he said, the Commission of Experts investigating violations of humanitarian law had not been given sufficient resources properly to carry out on-site investigations and to document the huge amount of information

received. It was disappointing that there had been little progress in coordinating the many overlapping intergovernmental human rights initiatives. The Special Rapporteur and the Commission should now also be addressing longer term issues relating to the impunity of those responsible for gross human rights violations, redress and compensation for victims of abuses and protection for the future.

MICHA MILOSEVIC, of the World Federalist Movement, said that during the conflict in Bosnia and Herzegovina, which was without doubt of a religious and ethnic character, 700,000 Serbs had been compelled to leave their homes and seek refuge elsewhere. Together with the 250,000 Serbs who had fled Croatia, the total number of displaced Serbs was higher than one million. While the Bosnian Serb authorities had released 80 per cent of the detainees, the Croats had released 40 per cent and the Muslim authorities had released 11 per cent. The statistics on raped Muslim women had never been confirmed. They were based on statistics published by an association of Muslim refugee women in Croatia.

Some 60,000 Serbs were forcefully detained in Sarajevo, he said. An increasing number of Governments were calling for an end to blaming Serbs for crimes committed in Bosnia and Herzegovina. Moreover, international recognition of Macedonia would create conditions for a civil war, because the Serbian population there would refuse the status of minority. He recommended that the international community listen to the wise words of the Russian representative who had said, among other things, that that was unacceptable.

VERENA GRAF, of the International League for Rights and Liberation of Peoples, said that an international court should be set up without delay. The Commission should also set up a committee of women experts to investigate the phenomenon of rape during wartime, for both past and present, and appoint for a specific term, a woman expert to investigate the question of rape in the current war -- a question which went beyond the mandate of the Special Rapporteur. The specific character of rape seemed to be better investigated by a female expert. There was a danger that the current wave of information about the phenomenon of rape in wartime would constitute a second round of exploitation of the women if it were not accurately investigated and documented quickly. She urged the establishment of an international tribunal which would reveal the truth about the rape in Bosnia and could restore the credibility of the international community.

She said the situation in Kosovo, if not taken seriously into account, threatened to erupt and become a source of hardship worse than the previous one for the peoples concerned. Kosovars could no longer live under Serbian rule. In addition, there was mounting impatience in Kosovo to realize the right to self-determination. In terms of present-day democratic processes, self-determination for Kosovo meant that it should be able to build its own institutional life, as a direct outcome of holding free and fair elections. The Albanian issue would again and again make its appearance in the future, unless it was definitely settled today.

(more)

ALEJANDRO TEITELBAUM, of the American Association of Jurists, said that with the exception of Slovenia and Kosovo, all other areas of the former Yugoslavia were made up of many national minorities. The European Community had, in June 1991, decided not to recognize Slovenia and Croatia if they decided to withdraw unilaterally from the Yugoslav Federation. However, soon after, they were recognized by the international community without any legal framework or guarantees for minorities.

This state of affairs, he said, had opened the way to nationalists, xenophobes and extremists. Suddenly, extremist groups which in normal times constituted minorities had assumed the leadership and pretended to represent the aspirations of the population. He warned, however, against resorting to genetic or irrational explanations of nationalism and qualifying all Serbs, Croats or Muslims as racist, nationalist, fascist or fundamentalist. Such qualifications were simply wrong. The peace process should also permit the participation of peace movements from the various republics.

HRAIR BALIAN, of Human Rights Advocates, said that for many centuries, Vojvodina had been a multi-ethnic and multi-cultural region. Since 1945, the Serbs had become a majority in the southern areas of the region. However, in the northern areas, Hungarians, Croats and other ethnic groups remained a majority. Vojvodina enjoyed an autonomous status in the former Yugoslavia until 1989. The province had remained relatively peaceful until now. However, ethnic tension was on the rise. On 8 August 1992, the Belgrade Government had ordered a number of ethnic Hungarian communities in northern Vojvodina to accommodate some 30,000 ethnic Serb families displaced by war elsewhere. Those who had departed from Vojvodina during the past few months would have difficulty in returning and reclaiming their homes, which had been taken away without compensation. And the new arrivals were well armed, against a local population which was mostly defenceless.

The Commission was confronted with yet another example of a clear early warning of impending nationalities conflict, he went on. He asked whether the international community could respond effectively to the pleas of threatened minorities in Vojvodina before the conflict erupted and before another mass exodus occurred and whether it could prevent the impending conflict from crossing the threshold from non-violence to violence. The Democratic Alliance of Hungarians in Vojvodina had formulated a detailed plan for cultural and territorial autonomy for the region. The proposal was worthy of international support. The time to act was now, before the crimes were committed.

EVA BRANTLY, of the International fellowship of Reconciliation, said that the state of emergency which had been imposed in Kosovo in February 1989 had been based on the concept of ethnicity and therefore contrary to international law. The "ethnic cleansing" which was happening now was a direct follow-up to that act. When that state of emergency had been lifted it had been replaced by a Serbian state of emergency which was, in fact, a police state of emergency. Consequently, through legislation and decrees, the state of emergency had been institutionalized and continued today. It was carried out

through legislation and decrees and transferred the governance of Kosovo from Kosovo. She suggested that the Commission appoint a Special Rapporteur on states of emergency.

DRAGICA PONORAC, of France-Libertés Fondation Danielle Mitterrand, said it was very painful to see the destruction of her country. In fact, Yugoslavia no longer existed. There were concentration camps in Europe, people being massacred, women raped, homes destroyed -- and yet the international community still failed to act. How was that possible? She called for the immediate implementation of the Special Rapporteur's recommendations. The United Nations should demand an end to "ethnic cleansing". On the contrary, the reality was that United Nations forces were standing around, impotent to act. What had happened to those who had disappeared following the taking of Vukovar? Why were those responsible for grave human rights violations still at large and, not only that, present at the negotiating table? Was the United Nations not contributing to "ethnic cleansing" by erecting barriers between the three populations?

SHUNJI MARUYAMA (Japan) strongly condemned the "reprehensible" practice of "ethnic cleansing" and urged that its effects be reversed, and that all the refugees and displaced persons who were victims of that practice be allowed to return to their homes. The International Committee of the Red Cross (ICRC), the Special Rapporteur and the United Nations High Commissioner for Refugees (UNHCR) should be granted unimpeded access to all detention camps and prisons and all those who were illegally detained should be immediately released. All persons who perpetrated criminal acts and other grave breaches of international humanitarian law were individually responsible for these acts. He supported the Commission of Experts established by the Security Council to investigate and analyse information on violations of international humanitarian law and hoped that the Commission would pursue its mandate in cooperation with the Special Rapporteur and other organs involved in the monitoring of the situation in the former Yugoslavia. The only way to bring an end to the atrocities and plight of the people there was through negotiated settlement of the conflict. Japan fully supported the efforts of the Co-Chairmen.

NEARCHOS PALAS (Cyprus) said that when the Commission first took up the matter of the human rights situation in the former Yugoslavia last August, nobody contemplated that eight months later the conflict would be continuing unabated in a fierce and inhuman manner which generated killings, hatred, violence and human suffering. It was a "human tragedy of unforetold dimensions which defied logic". The grave and massive violations of human rights had to be stopped without further delay.

He strongly condemned the inhuman policies carried out in the former Yugoslavia and especially in Bosnia and Herzegovina, in particular, "ethnic cleansing". The creation of homogeneous areas through the cruel method of enforced displacement and demographic changes was contrary to international and humanitarian law. Cyprus was in a position to comprehend the gravity of the situation unfolding in Bosnia and other parts of Yugoslavia because it had been and continued to be the victim of the same human rights violations,

especially of the policy of "ethnic cleansing", since 1974. The alleviation of human tragedy of such dimensions, as in the present case, had to take precedence over political and other considerations.

A.B. RIMDAP (Nigeria) said that thousands of civilians whose lives were in acute danger required emergency action by the international community. Nigeria did not share the view that providing refuge for such people was tantamount to aiding and abetting "ethnic cleansing". The international community should not relent in its efforts to ensure the promotion of the right to life, on which the other rights depended. Using rape as a "weapon of war" was one of the worst atrocities in human history. He called on the international community to forestall further occurrence and bring the culprits to trial. He endorsed the recommendation of the Warburton report concerning the provision of psychological and medical assistance for the victims of the war and also the granting of safe havens abroad for those in need. Consequently, he called on the international community to implement this aspect of the recommendation with utmost urgency, so as to save more lives.

Nigeria favoured a negotiated solution to the conflict and deplored the use of direct military intervention which often led to the loss of innocent civilian lives and property. He trusted, however, that the final solution would be fair and just to all the parties concerned. Aggression should not be legalized. He recalled similar hostilities raging in some African countries, especially Angola and Liberia. While recognizing the efforts of the Economic Community of West African States (ECOWAS) in solving the crisis, the international community was also requested to render all necessary assistance to the Economic Community of West African States Monitoring Observer Group (ECOMOG) so as to end the crisis.

SOO GIL PARK (Republic of Korea) said that ethnic conflict had usually produced the most serious human rights violations, and it was deeply regrettable that a human rights crisis rooted in an ethnic conflict was now festering in the former Yugoslavia. The present situation was testing the limits of human endurance, as the violations were methodical and massive. The wide variety of human rights violations being committed against hundreds of thousands of innocent people were matters of grave concern. The Commission should pay special attention to the tragic plight of women, particularly Muslim women, who were being victimized in the former Yugoslavia. Korea knew from its own bitter experience during the Second World War, that women were frequently the victims of horrible abuses during war.

The Serbian authorities bore primary responsibility for the heinous policy of "ethnic cleansing". However, he said, human rights violations by other parties, committed in retaliation against Serbs, were in no way excused or justified. The international community should urge that all parties fulfil their commitment to abide by the rules of humanitarian laws and human rights standards. In particular, Serbia should put an end to the abhorrent practice of "ethnic cleansing". His Government would continue to provide its share of contributions to the humanitarian programmes of the relevant United Nations

agencies, including the UNHCR. Political will was indispensable for the prevention of further human rights abuses and for the ultimate goal of assuring a lasting peace in this region.

M.S. OULD M. LEMINE (Mauritania) said the issue at stake today in Bosnia and Herzegovina was not only the existence of a Member State but the survival of a people. The international community could not be satisfied with theoretical condemnations of the horrible spectacle it was confronted with. He agreed with the Special Rapporteur's remark that the world's reaction to the violations of human rights and humanitarian law in Bosnia and Herzegovina would determine the place that human rights would occupy in international politics for years to come. Moreover, that reaction would determine international politics as a whole in the long-term. The solution of the conflict in Bosnia and Herzegovina should be based on a negotiated settlement. That solution should respect the country's independence, territorial integrity and political unity. Bosnia and Herzegovina was not the only scene of human rights violations in the territory of the former Yugoslavia. Kosovo, Sandjak and Vojvodina were at great risk. However, Muslims were the primary target everywhere.

ANGUEL ANASTASSOV (Bulgaria) said that the mass and flagrant violations of human rights and fundamental freedoms committed in the name of extreme nationalism should be condemned. The abhorrent policy of "ethnic cleansing" was at its core, not a consequence but an objective of the war waged in Bosnia and Herzegovina. Bulgaria viewed with concern the continuing tension close to its borders. The ongoing conflict in Bosnia and Herzegovina raised the danger of spillover of tension to other parts of the region. The brutal violations of basic human rights, especially the rights of minorities, endangered the democratic processes in neighbouring countries and might provoke the revival of old nationalistic fears and ambitions in the Balkans. Bulgaria was seriously concerned about the intensifying practice of intimidation and pressure on minorities in all parts of the territory of the former Yugoslavia.

A lasting solution to the conflict could only be achieved through respect for the principles of international law, in particular the inviolability of internationally recognized frontiers and respect for human rights, fundamental freedoms and the rights of minorities, he continued. The Yugoslav crisis could not be solved solely by stopping the fighting. The Balkans' peaceful future depended on its comprehensive and lasting settlement taking into account the post-Communist realities and the complicated historic legacy of the region. International recognition of all former Yugoslav Republics would contribute considerably to ensuring stable international legal guarantees for the respect of human rights in the former Yugoslavia and could help prevent the extension of the conflict to other parts of the region.

IFTIKHARUL KARIM (Bangladesh) said that the horrific images of carnage, death and destruction emanating from television screens around the world during the last 10 months conveyed in small measure the agony of the Bosnian Muslims, victims of bestiality unprecedented since the end of the Second World War. Yet the international community remained paralysed in ineffectual

hand-wringing and inaction. The Serbian perpetrators of ethnic cleansing and mass rape were today negotiating the carve-up of Bosnia and Herzegovina as a prize for aggression and reward for violation of every human rights instrument.

The appeasement of that monster would recall another such tragedy which had occurred nearly 60 years ago in Europe when another European country was sacrificed to feed the Nazi predator. British Prime Minister Neville Chamberlain then, as Mr. Vance and Lord Owen now, had sought to buy peace through appeasement. Was it possible that the lessons of history had been forgotten so quickly? The Commission should urge the international community and the appropriate United Nations organs, in unequivocal terms, to act decisively now, lest history repeat itself.

SAODAH B.A. SYAHRUDDIN (Indonesia) said atrocities were being committed with the full knowledge, if not the support of the Serbian authorities in their de facto controlled areas of Bosnia and Herzegovina, while the international community at large seemed helpless to prevent them. She recalled the position of the Non-Aligned Movement, which had condemned the violation of the human rights of the people of Bosnia and Herzegovina and the policy of "ethnic cleansing" by the Serbs in the territories. The meeting of the enlarged bureau of the Sixth Islamic Summit at Dakar on 11 January had also expressed the same position and was of the opinion that the Serb leadership was fully responsible and accountable for the mass killings, torture, rape and other war crimes.

That Meeting had called for the immediate re-establishment of an international tribunal to judge war crimes committed in Bosnia and Herzegovina and stressed the need for urgent steps to be taken to secure an advisory opinion from the International Court of Justice as to whether the crimes committed there fell within the scope of the Convention on the Prevention and Punishment of the Crime of Genocide. So far, the political process for a solution to the conflict in the territories had not borne any result. The Commission should go beyond verbal condemnation on the issue and should take more concrete action in order to contribute meaningfully to the alleviation of the suffering of the Bosnian people.

MAHDI IBRAHIM MOHAMED (Sudan) said he was furious at the ongoing fascist attempt to eradicate the Muslim minority in Bosnia and Herzegovina. What was occurring there was not a civil war, but a well-planned racist war between religions and an attempt to erase a Muslim presence in Europe. The barbaric campaign against Bosnia and Herzegovina's Muslims continued and hostile feelings against them were growing. Was this the new world order? Greater restrictions were being put upon those fleeing the trauma. The Geneva talks were currently being delayed and the aggressors were being given free rein. The crime of genocide was punishable under international law and those responsible should be held to account. The Commission should act in an unambiguous way and condemn the Serbs for the crime of genocide. If not, the United Nations could stand accused of employing a double standard. Bosnia and Herzegovina was a member of the international community and should be treated as such.

PETER WOOLCOTT (Australia) said that the Special Rapporteur had spelled out clearly the stark reality that "ethnic cleansing" was a calculated policy of terror designed to expel whole groups of people from their homes on the basis of nationality, race or ethnic background. The tools of this policy were murder, rape, detention and a catalogue of violations of other basic and fundamental human rights. Australia condemned totally these practices and policies. The international community could not allow them to continue. Concerned Governments and appropriate agencies needed to give particular consideration as to how the international community could assist women victims of the war in the former Yugoslavia.

The Commission should ensure that international attention continued to be unremittingly fixed on the situation in the former Yugoslavia and that the infrastructure for the investigation and punishment of violations of human rights, including crimes against humanity, was put firmly into place. It also needed to pass a resolution in the strongest terms condemning what had occurred and what continued to occur in the former Yugoslavia. It needed to extend the mandate of the Special Rapporteur to ensure that the Commission continued to examine the human rights situation there and it should call for the establishment of an ad hoc tribunal for eventual prosecution of those accused of war crimes and crimes against humanity in the former Yugoslavia. Australia supported the comprehensive, three-part settlement plan being pursued by the Co-Chairmen as the best option to stop the fighting and for achieving a peaceful settlement of the conflict.

* *** *

United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/414
16 February 1993

# HUMAN RIGHTS COMMISSION CONCLUDES DEBATE ON HUMAN RIGHTS IN FORMER YUGOSLAVIA

## Continues Debate on South Africa

GENEVA, 11 February (UN Information Service) -- The imposition of sanctions against the Federal Republic of Yugoslavia by the Security Council was "unjustifiable" and had brought about the most brutal punishment of an entire people in the history of the United Nations, the representative of that country told the Commission on Human Rights this morning.

Taking part in the conclusion of the Commission's debate on the human rights situation in the former Yugoslavia, the delegate said the propaganda campaign waged against his Government had greatly harmed it and the Serbian people by "satanizing an entire nation". That campaign had spread "lies, half-truths, prejudice and religious hatred". He drew the Commission's attention to the claim that Serbs were preparing to commit aggression in Kosovo. War, he told the Commission, would only break out in Kosovo as a consequence of "armed terrorism by Albanian separatists" or as a result of foreign interference.

The observer for Slovenia called for sanctions against the perpetrators of the conflict in the Balkans combined with international assistance for its victims. That should include the creation of internationally-guaranteed protection systems for the national, religious and other minorities living in the region, he said.

Statements were also made by the representatives of Iran and Poland. The observers for the Philippines, Morocco, New Zealand, Albania, Oman, Saudi Arabia and Algeria also took the floor. The representatives of the Organization of the Islamic Conference, the World Muslim Congress and the International Commission of Jurists also took part in the debate on the former Yugoslavia.

The representative of Croatia spoke in exercise of the right of reply.

(more)



For information media—not an official record

Following the conclusion of the debate, the Commission resumed its discussion on racism, racial discrimination, apartheid and the human rights situation in South Africa. Colette Samoya (Burundi) President/Rapporteur of the Group of Three, which monitors the International Convention on the Suppression and Punishment of the Crime of Apartheid, introduced the Group's report. The representative of Denmark made a statement on behalf of the European Community.

Statements on Former Yugoslavia

MOHAMMAD ALI MOTTAGHI-NEJAD (Iran) said "ethnic cleansing" and "genocide" were terms that belonged to history books or legal texts designed not to ever permit their repetition. Despite international condemnation and sanctions levelled against Serbs, they had continued to receive signals that could only encourage them in their aggression. It was said that the tragedy might only be ended through negotiations and that anything that could "harm" those negotiations should be avoided. Thus, the Security Council hesitated to take the necessary measures to stop the bloodshed and had agreed to consider the issue only recently, due to pressure from Islamic countries and still to no serious avail.

He asked why the Serbs should change their course. They enjoyed military superiority or supremacy, as they had access to one of Europe's richest reservoirs of armaments, while their victims were barred, through an unjustifiable embargo, from military assistance. The carnage would not end without proper discharge of responsibilities by the Security Council. Only thus would the Muslim population be saved from extermination and extinction.

He urged the Security Council to take the necessary measures against Serbia, including the use of force prescribed under Chapter VII of the Charter, with a view to ensuring its full compliance with the relevant resolutions already adopted and to lifting the embargo against Bosnia and Herzegovina and allowing the delivery of defensive arms to Bosnia and Herzegovina.

In addition, the mandate of the United Nations Protection Force (UNPROFOR) required unambiguous expansion to include prevention of serious human rights violations which characterized ethnic cleansing. All States, particularly European countries, should be strongly urged to open their doors to refugees. After the establishment of peace, the refugees should be allowed to return to their own homelands.

LUDWIK DEMBINSKI (Poland) stated that certainly, it was not the first time in the history of mankind that massive human rights violations had gone on for such a long time. Nevertheless, it was probably the first time that so many United Nations bodies, regional organizations and special structures were involved in various actions aimed at putting an end to atrocities which were viewed live by millions on television screens. That was why the discussion and action at the Commission had to focus primarily on the fate of the victims

(more)

of the conflict in the former Yugoslavia and had to be aimed at restoring basic living conditions to those who suffered under persistent human rights violations.

Poland, he said, strongly endorsed the three-point emergency plan proposed by the Special Rapporteur. In addition, since the collapse of the State had destroyed the basic mechanism of human rights protection, Governments should efficiently support the democratic forces in the region, particularly in Serbia. There was no doubt that the international protection of human rights could only supplement national protection, not replace it. There was also an obvious need for a more concerted and concentrated action of all organizations, organs and agencies to restore peace and respect for human rights in Bosnia and Herzegovina and in the entire region of the former Yugoslavia. Poland also believed that it was necessary to make the perpetrators of human rights violations and of war crimes fully aware that they would be brought to justice by the international community.

A.M. BISLEY, observer for New Zealand, said that against the background of the debates which had taken place, it was difficult to add any fresh words to describe the dismay which all New Zealanders felt. New Zealand fully endorsed the decision by the Security Council to establish the Commission of Experts to investigate humanitarian law breaches in the former Yugoslavia. The establishment of that body was an important step towards bringing home to those committing violations that they would be held individually accountable for their acts and, in that way, might serve as a deterrent against future violations. It also supported the principle that all those guilty of grave breaches of international humanitarian law and crimes against humanity should be held liable for their acts.

The conflict in the former Yugoslavia, he said, had presented the international community with a complex challenge. A range of agencies and processes were actively employed in meeting that challenge. The human rights violations in former Yugoslavia demanded the Commission's direct attention. At the same time, an end to the armed conflict in the area was crucial if any of the former Yugoslavia's problems were to be solved -- including a lasting resolution of that human rights crisis. New Zealand fully supported the peace process which had been under way here in Geneva and was now continuing in New York and called on all parties involved to join together in agreeing on a lasting path to peace.

ANTON BEBLER, observer for Slovenia, said that it was already the third session of the Commission which dealt with the grave and massive violations of human rights in Bosnia and Herzegovina, as well as in parts of Croatia. Many refugees, mostly Bosnian Moslems, to whom Slovenia had given shelter, were victims or eyewitnesses of many despicable acts of so-called ethnic cleansing. Those acts were perpetrated mostly by the Bosnian Serbs and were militarily, financially and otherwise supported by the so-called Federal Republic of Yugoslavia. The creation of an independent and standing international criminal court, associated to the United Nations system, was a welcome suggestion.

(more)

All war criminals in the successor States of the former Yugoslavia, irrespective of their origin should be brought to justice, he said. If left to those in the region who possessed military power, the situation in areas like Kosovo would not likely be redressed. Punitive sanctions against the perpetrators, he continued, should be combined with ample international assistance to the victims. It should also include efforts to create internationally-guaranteed protection systems for human rights, as well as of national, religious and other minorities living in the exceedingly complicated conglomerate called the Balkans.

LILIA R. BAUTISTA, observer for the Philippines, condemned all violations of human rights revealed in the Special Rapporteur's report, including exposure to the elements, disease and hunger, as more effective tools of ethnic cleansing than bomb and bullets. She wondered, however, if condemnation was enough. Condemning the atrocities and violations of human rights would no doubt save consciences. But it would not help the victims. She said by responding to events rather than by seeking to shape them, the international community had been reduced to inaction and helplessness. And yet, human rights violations in the former Yugoslavia had far-reaching implications which, if left unchallenged by the Commission on Human Rights, could conceivably legitimize the slaughter of minorities and the use of violence to enforce border change. The Philippines would support any peace initiative which would put an end to the hostilities.

VLADIMIR PAVICEVIC (Yugoslavia) said his Government was fully committed to bringing about an end to the war in Bosnia and Herzegovian and to the tragedy of the people of that State. Although the Federal Republic of Yugoslavia was not in any way engaged militarily in Bosnia and Herzegovina, its delegation had a very important role in the Geneva talks. Moreover, the Government of the Federal Republic of Yugoslavia had adopted concrete measures to help put through the proposals of the Co-Chairmen.

Thousands of Serbs, especially in Dalmatia, had been forced to change their names in order to avoid harassment, discrimination or persecution, he said. Serbs who remained in Croatia had to change their names, to renounce their identity and religion in order to survive and save their children. The second largest ethnic cleansing was occurring in western Herzegovina proclaimed by the Croats as "Herzegovina-Bosnia".

The imposition of sanctions provided by United Nations Security Council resolutions, he continued, had brought about the most brutal and unjustifiable collective punishment in the history of the United Nations, against the entire people of the Federal Republic of Yugoslavia. The Commission, which had as its primary task to watch over the respect for human rights, should take corrective action or face condoning the crime of collective punishment of a whole people. As a direct consequence of sanctions, a major part of the population was already living below subsistence level and the overall living conditions had become unbearable. Sanctions caused deaths, hunger, misery, sickness and disease. They were also impeding the process of transition, development of democracy, rule of law and all other basic principles and values built in the Paris Charter for the new Europe.

(more)

He went on to say that during the war in Bosnia and Herzegovina, the world public had been kept both informed and misinformed systematically on the tragic fate of Croatian and Muslim refugees, while facts on hundreds of thousands of Serb refugees had been ignored. Moreover, the Serbian nation that gave refuge to one million refugees and displaced persons had been accused of systematic ethnic cleansing. If there was word of Croatian and Muslim refugees in the Federal Republic of Yugoslavia, then it was accompanied by charges that they were in concentration camps.

Accusations about the existence of those camps, he said, had not been proven by the Conference on Security and Cooperation in Europe (CSCE), special missions, the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross (ICRC) and other missions. The Federal Republic of Yugoslavia could not be charged with mass human rights violations, for genocide, ethnic cleansing and so forth, for crimes it was unfoundedly accused of in the resolution of the Commission's second special session on Yugoslavia. The Government of the Federal Republic of Yugoslavia strongly condemned those who committed the crime of rape, regardless of which side in the conflict they belonged to. However, international mass media and certain politicians spoke only of Muslim victims while ignoring rape committed against Serbian women.

Special attention should be drawn to propaganda aimed at intimidating the world public, with the claim that Serbs were preparing to commit aggression against Kosovo. Such action would occur only as a consequence of armed terrorist action by Albanian separatists or as a result of foreign interference and aggression directed against the sovereignty and territorial integrity of Serbia and the Federal Republic of Yugoslavia.

He said the suffering of Serbs was far more grave and tragic than was presented in the Special Rapporteur's statement although he had rightly concluded that in the conflict, Serbs were victims too. Cessation of the armed conflict, achievement of peace and ensurance of equal rights of the three constituent peoples in Bosnia and Herzegovina were priority goals. At the same time, the Federal Republic of Yugoslavia confirmed its commitment to respect human rights.

FATIMA BAROUDI (Morocco) said the hopes of the thousands of victims of the Balkan war were directed towards the international community. The dramatic, barbaric war had caused three million refugees, simply due to their religion. That war against a minority striving for self-determination challenged the international community and the instruments it had created. Serbs wished to liquidate both the Muslim people and their Muslim faith in violation of the right of everyone to chose his religious belief.

The main concern, she continued, was that the imposition of the war upon helpless civilian victims, torture, international and other uncivilized conduct ran counter to the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War and to other international instruments. The explosive situation in the region required an urgent political solution. Attempts by the international community had been stymied by Serbian

obstinacy. The Security Council, in particular, had made great efforts to no avail. Today, the peace plan on the table was aimed at redrawing the map and bringing about disarmament. It should be implemented quickly and should also bring peace to Bosnia and Herzegovina and should curb the aggression of Serb leaders and return the Balkans to normal life.

VIKTOR HEBIBASI, observer for Albania, said the continuation of the conflict in the former Yugoslavia would discredit the United Nations as an international organ which had not been capable of solving the conflict in the region, having failed to take adequate and speedy measures to put an end to the savage and deadly aggression. Albania believed that measures to be adopted should take into account the interests of all the parties concerned in order to permit the establishment of a lasting peace in the entire region.

Albania, he said, was worried about the fact that the conflict was taking place so close to its borders and that three million ethnic Albanians lived inside the former Yugoslavia, of which two million lived in Kosovo. Albania was particularly worried about the constant deterioration of the human rights situation as a result of action by Serbian military and paramilitary groups in Kosovo. The Albanians of Kosovo were the only people in Europe to live under a general and generalized repression and discrimination which could be qualified as apartheid. There was a risk that that increased tension would explode in the very near future. The Commission had the duty to examine the human rights situation in Kosovo and to take measures to prevent the spread of the present conflict into other regions, including Kosovo.

ABDULLAH AL-FARSY, observer for Oman, said the world was aware that the majority of human rights and humanitarian law violations were occurring in the territory of Bosnia and Herzegovina, with Muslims as their principal targets. The international community had undertaken major efforts to put an end to the Serbian practice of ethnic cleansing. But, unfortunately, the situation seemed to be deteriorating and threatening international peace and security. Oman was eager to participate in the search for peace in the former Yugoslavia. It urged all parties to the conflict to respect the resolutions adopted at the two extraordinary sessions of the Commission on Human Rights.

N S. TARZI, of the Organization of the Islamic Conference, said his organization was horrified by the suffering inflicted on the inhabitants of that tortured land, which until last year had been a model of tolerance and peaceful coexistence among its various ethnic groups. The Serbian authority, with military superiority conferred upon it by the arms embargo imposed by the United Nations, was trying to place before the international community a fait accompli and to carry out by force its intentions in Bosnia and Herzegovina.

The aggressor, he said, had stopped at nothing, dynamiting inhabited houses, destroying socio-economic infrastructures, setting fire to entire villages, carrying out summary executions, mass deportations, collectively raping Muslim women, heinous crimes and extortion of all kinds. All that constituted what the aggressor had shamelessly designated as the policy of ethnic cleansing. Indeed, more than two thirds of the territory of Bosnia and

Herzegovina was now occupied by aggressors, and thousands of Bosnians had been forced into the uncertain road to exile. Sarajevo had itself become a martyred city.

The grave situation prevailing in Bosnia and Herzegovina, he continued, had featured in all of the meetings of the Organization of the Islamic Conference. On 11 January, an enlarged bureau meeting of the sixth Islamic Summit had called for the enforcement of the no-fly zone over Bosnia and Herzegovina. It had also stressed the need for the perpetrators of the crimes committed against humanity to be identified and tried. Moreover, it had called for an immediate establishment of an international tribunal on war crimes being committed in the former Yugoslavia. The rapidly deteriorating situation in Kosovo, Sandjak, Vojvodina and Macedonia was also a matter of serious concern to the Conference. The international community should take effective actions to prevent the conflict from spreading and developing into the entire region. It was not fair today to try to use the Security Council to impose upon the Muslims in Bosnia and Herzegovina a plan which was to their disadvantage and which favoured the aggressors.

MAJID ALDREES, observer for Saudi Arabia, stated that ethnic cleansing, evictions and collective punishments reminded one of everything that had been practised by the Nazis during the Second World War. A further crime had been added to the list of those committed during the last war, namely the mass rape of women. He asked what kind of world it was where such crimes could happen in the heart of Europe and meet with the passivity of the Europeans. The peace plan, which now was under discussion, did not emphasize the need to punish war criminals. The idea that this could be the only peace plan was surprising.

As a result of the embargo against the former Yugoslavia, he said, one country found itself armed while the other was deprived of all arms. Bosnia and Herzegovina was asking for a lifting of the arms embargo. It had to be helped. He called on the international community to show understanding for that horrible situation, which also existed in Kosovo. He called on the Commission to condemn the violations of human rights which were happening in the former Yugoslavia.

LAZHAR SOUAIEM, observer for Algeria, said the Bosnian population, particularly its Muslim component, was the one which had suffered the most from the crimes which had been perpetrated, including mass rape. Algeria considered that the precondition for a peace plan was the cessation of hostilities, disarmament, the lifting of the siege over Sarajevo and allowing its people to return to their homes. The international community was witnessing powerlessly, and the Commission had to react to the situation.

M. AHMAD, of the World Muslim Congress, said the Vance-Owen plan to divide Bosnia and Herzegovina into 10 semi-autonomous provinces was not an excellent solution. The outline of the proposed 10 provinces recognized the gains by both the Serbian and Croatian extremists and froze the political situation along the territorial gains made by forces who has always wanted to carve up Bosnia. It represented a de facto ethnic division of Bosnia and

rewarded those elements who had been guilty of crimes against humanity, and who continued to commit them on a large scale.

The Vance-Owen plan was under consideration by the Security Council, he said. Strong pressure was being brought upon the weakest party, the Bosnian Government, to accept the terms of the plan. In the meantime, the Serbs were continuing their killings. They still besieged Sarajevo and other cities. They still maintained 135 or more concentration camps where civilians had been put to all kinds of humiliation and punishment. Sick and frostbitten, elderly Bosnians, thin as matchsticks were freezing to death. If the Serbs were not checked, there was a very real danger of the Vance-Owen plan being bypassed by the rapidly moving events on the ground. The province of Kosovo, he said, was the next battleground for Serbia's ethnic cleansing. In order to achieve a lasting and just settlement, the following should be implemented immediately: a list of war crimes and crimes against humanity in Bosnia should be compiled under the guidance of the Commission; the arms embargo should be lifted immediately to enable Bosnia to defend its territory; the Commission should embark upon a long-term task of creating jurisprudence for international trials of the kind of human rights violations seen in the former Yugoslavia.

MONA RISHMAWI, of the International Commission of Jurists, said her organization was conscious of the lack of adequate international machinery to protect individuals from gross violations of human rights. For decades, the International Commission of Jurists had been urging the establishment of an international, regional, and national judicial machinery that offered protection from such violations. The creation of an international penal court to try gross violators of human rights would be an important development in that direction. She welcomed the Security Council's creation of an impartial panel of experts responsible for investigating the violations of the Geneva Conventions and other international humanitarian law in the former Yugoslavia.

The Commission, she said, should respond to the report of the Special Rapporteur by adopting a resolution articulating the practical steps which ought to be taken to establish a war crimes tribunal and extending the mandate to include, in addition to investigating the abuses, the prosecution of their perpetrators. Her organization reasserted its call for an independent and permanent International Penal Court established to adjudicate the criminal responsibility of individuals charged with committing gross violations of human rights. The Court should be a permanent and independent organ of the United Nations.

It was time, she said, for international political will to rise up and meet this universal legal reality. In the United Nations Decade of International Law, it was time to stick by the existing and well-established law, create a permanent international penal court, and prosecute the guilty, all in order to defend human rights not only in the former Yugoslavia, but wherever and whenever they would be violated.

(more)

Introduction of Report on Apartheid

COLETTE SAMOYA (Burundi), President and Rapporteur of the Group of Three which monitors compliance with the International Convention on the Suppression and Punishment of the Crime of Apartheid, introduced the Group's report. The other two members of the monitoring body were the Russian Federation and Venezuela. She said that as of 31 December 1992, 95 States were parties to the Convention. During its fifteenth session in January, the Group had examined the reports of Algeria, Senegal, Colombia, Tunisia, Venezuela and Mexico. Concerning transnational corporations operating in South Africa, the Group continued to consider whether such corporations were contravening the Convention and considered what legal means could be contemplated to enforce the Convention's principles. She conveyed the Group's conviction that increased assistance should be given to national liberation movements in South Africa and recommended that while United Nations sanctions remained in place, the Secretary-General should request States parties to the Convention to submit their views on the responsibilities of transnational corporations in that regard. The Group also favoured maintaining the sanctions.

JAKOB ESPER LARSEN (Denmark), speaking on behalf of the 12-member European Community, said the Twelve continued to oppose vehemently all forms of racism and racial discrimination. The Community was appalled by the crimes now being committed in the name of so-called racial or ethnic purity. Human rights and fundamental freedoms for all individuals, without distinction of any kind on grounds of race, colour, descent, national or ethnic origin were vital for mankind's dignity, well-being and future.

He said the task of the Committee on the Elimination of Racial Discrimination was to monitor the implementation of that Convention. The Community and its member States welcomed the new impetus which the Committee had brought to the execution of its task. However, owing to financial constraints and deficient reporting by States parties it had not been as effective as it might have been. The Community supported the amendments to the Convention adopted by the States parties and endorsed by the General Assembly last autumn in order to fund the Committee from the regular United Nations budget. He called upon all States parties to meet their financial obligations and those parties in arrears to meet their overdue payments in full. The Community supported the launching of a third decade to combat racism and racial discrimination. That decade should be action-oriented and pragmatic, focusing on the problem of racism and xenophobia worldwide. The establishment of a thematic special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance could be a constructive step forward in enhancing United Nations work in combating those phenomena.

Right of Reply

N MADEY (Croatia), speaking in exercise of the right of reply, said repeated condemnations did not seem to find an echo in Serbia. The Serbian authorities had accused the world and its media of hypocrisy and double standards. The statement by the representative of the Federal Republic of

Yugoslavia this morning had contained unfounded and misleading accusations. Presidents Franjo Tudjman of Croatia and Dobrica Cosic of Yugoslavia had agreed to normalize their relations. But, the self-proclaimed Serbian authorities in Croatia were blocking the implementation of the Vance plan. Croatia did not believe that Serbia did not control its "stooges" in Bosnia and Herzegovina or Croatia.

The rebels in the United Nations Protected Areas had not changed their basic policy objectives, he said. Those so-called authorities were never sincere or willing to cooperate in the implementation of the Vance plan. By mining the Peruca Dam and evicting the Croatian population from the Protected Areas those authorities had pursued their ethnic cleansing policy. The Croatian Government, however, continued to offer solutions for the areas with pre-war Serbian majorities. He wondered whether that would be acceptable to the Serbian authorities.

Turning to a statement made yesterday by a representative of a non-governmental organization, he said the territory that person had referred to as the "Serbian Republic of Krajina" did not exist. That territory was a part of Croatia.

* *** *

United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/415
16 February 1993

# HUMAN RIGHTS COMMISSION CONCLUDES DISCUSSION ON VIOLATIONS IN SOUTH AFRICA

## Takes Up Realization of Economic, Social and Cultural Rights

GENEVA, 11 February (UN Information Service) -- Every Government had the responsibility to ensure that racial prejudice was eliminated through legislation, training and education, the representative of Norway told the Commission on Human Rights this afternoon.

Speaking on behalf of the Nordic countries on the question of violations of human rights in South Africa and international action to combat racism and racial discrimination, he said seeds of tolerance, equality and acceptance should be sown in the minds of children. He underscored that the interdependence of nations made them responsible for one another, and asked whether "if we turn a blind eye to injustices committed against a neighbour, are we not putting ourselves at the same level as those committing the crime?"

During the debate, many speakers expressed concern about the growth in racism, xenophobia, neo-fascism, nationalism, ethnic hatred and other forms of extremist behaviour in all regions of the world, particularly in developed countries. Several speakers called for the appointment of a special rapporteur to examine contemporary forms of racism, and the proclamation by the General Assembly of a third decade to combat racism and racial discrimination. Some regretted that the programme of action for the Second Decade had not yielded concrete results.

In relation to apartheid, the Commission heard calls to urge the South African Government to proceed to the establishment of a transitional government, to take appropriate measures to put an end to the escalating violence, to resume the negotiations on constitutional reform and to revoke the Further Indemnity Act.

Regarding the realization of economic, social and cultural rights, the Commission heard Luis Valencia-Rodriguez, independent expert on the right to own property, introduce his final report.

Statements on racial concerns were made by the representatives of Kenya, Mexico, Bangladesh, India, Republic of Korea, Iran, Cuba, Senegal, Democratic

(more)



For information media--not an official record

People's Republic of Korea, Turkey, Egypt, Norway (on behalf of the Nordic countries), Spain and Morocco. The representatives of the Organization of African Unity (OAU) and the Organization of the Islamic Conference also spoke on that question.

Also taking part in that debate were the representatives of the following non-governmental organizations: World Confederation of Labour, International Fellowship of Reconciliation, Centre Europe-Tiers Monde, World Jewish Council, Commission of the Churches or International Affairs, Anglican Consultative Council and International Association against Torture.

Statements on the realization of economic, social and cultural rights were made by the representatives of Nigeria, Malaysia, Australia and Pakistan, as well as by the representatives of the following non-governmental organizations: Women's International League for Peace and Freedom, and the International Movement ATD Fourth World.

The observer from Algeria made a statement in exercise of the right of reply.

Statements on Racial Matters

CHRISTOPHER K. MBURU (Kenya) said that although the so-called pillars of apartheid had to a large extent been abrogated, the consequences of apartheid still flourished. It was clear that a system such as apartheid, which had entrenched itself in South Africa for many decades, could not be eradicated totally overnight. But at the same time, the South African authorities could do more than they had already done to ensure that apartheid and in particular its consequences were totally done away with. The reported complicity of some organs of the South African Government in the perpetration of acts of violence which had resulted in the loss of many lives was also disturbing. Such acts of State-sponsored violence only served to undermine the democratic process to which the South African Government had committed itself. The implicated organs of that Government should desist forthwith from those disturbing practices and those found responsible should be fully held accountable.

In order to achieve a durable political settlement in South Africa, he went on, it must be recognized that restitution of political rights to the black majority, in itself, would not be enough. Ways and means should also be found to address the economic and social inequalities that characterized the black and white communities.

CLAUDE HELLER (Mexico) said that in the recent past, the debate on racism and racial discrimination was related to decolonization and the persistence of apartheid in South Africa. However, now the topic had become relevant to other regions. Mexico had supported the General Assembly resolutions which had noted the positive efforts undertaken by the Government of South Africa, and had decided to adopt more flexible measures towards that country. However, Mexico had maintained restrictive measures in military, financial and nuclear areas pending an agreement that would lead to the adoption of a democratic and non-racial constitution. Mexico was concerned about racist and xenophobic violence in the world, in particular in the developed countries.

(more)

The emergence of nationalism and ethnic conflict between communities were new sources of international instability. The new ideological form of racial discrimination was unacceptable as was aggression against migrant workers, foreigners or minorities. The international community could use the international legal texts available to it to take action against fascist or Nazi groups. Mexico would support the appointment of a Special Rapporteur on racism and racial discrimination.

NAZMUL QUAUNINE (Bangladesh) said that despite some cosmetic changes in the dismantling of the abhorrent system of apartheid and the cautious optimism engendered by the developments during the last year, the Commission should note that the crucial non-racial land reforms had not progressed. The incarceration of children and minors, deaths in police custody, unabated violence in the townships, as well as the complicity of the security forces in violence, continued to inhibit the constitutional negotiations and did not facilitate the active participation of all parties concerned in the important process by which the will of the majority could be rightfully exercised.

As the Second Decade to Combat Racism and Racial Discrimination (1983-1993) drew to an end, he continued, racism, racial discrimination and apartheid continued to be a grim reality. A third decade with a well thought-out programme of action should not only monitor the transition from apartheid to a non-racist society in South Africa but also take into account the rabid manifestations of racism, racial discrimination and xenophobia in many parts of the world today.

DEBASHISH CHAKRAVARTI (India) said that one year ago there had been an atmosphere of optimism at the progress towards the end of apartheid in South Africa, though halting, under the administration of President F.W. de Klerk. That optimism had been based on several positive developments over the year. Through a complicated and tortuous process some of the pillars of apartheid had been abolished. However, those actions did not fully institute the process which could lead towards the establishment of a democratic, non-racial and united South Africa. The re-emergence of violence in South Africa had clearly illustrated how fragile the process of dismantling the reprehensible system of apartheid was. In order to put the process back on a firm footing it was essential to first deal with the question of violence in an effective and expeditious manner.

He said much attention would also have to be given to address the critical level of unemployment and the socio-economic deficiencies faced by black South Africans. India strongly supported the role of the United Nations in the resolution of the South Africa problem. It was of concern that while apartheid was on the retreat in South Africa, Fiji had quietly institutionalized racism and racial discrimination in its Constitution. He noted with interest the assurance given by the Prime Minister of Fiji to the United Nations that the present constitution would be revised with a view of removing its racist features. The international community should strengthen measures to carry out a campaign to combat all forms of racism and racial discrimination, particularly those which were newly emergent. Democratic societies needed to take cognizance of these new threats to their peaceful functioning.

PARK SOO GIL (Republic of Korea) said that notwithstanding the overwhelming support in the March 1992 referendum for President de Klerk's proposal for democratic reform, and the ensuing release of political prisoners, it was disappointing that those positive developments had been overshadowed by continued reports of human rights violations in daily South African life as documented in the final report of the Ad Hoc Working Group of Experts on Southern Africa.

The violence and bloodshed which had occurred last year, in particular the Boipatong incident in June and the Ciskei incident in September, he said, had given rise to grave concern regarding the future of the transition to democracy. It was therefore important that the international community provide assistance to address socio-economic inequalities, particularly in the area of human resource development, employment and housing. It was equally important that the South African Government endeavour to take steps to correct those inequalities.

His Government, he said, together with the international community, had endeavoured to respond appropriately to the South African political process by applying a phased lifting of sanctions in accordance with progress made toward a non-racial, democratic South Africa. It had established diplomatic relations with the Government of South Africa on 1 December 1992. The establishment of diplomatic relations did not reflect any weakening of Korea's anti-apartheid policy. Rather, the Government was attempting to reinforce contacts with political parties and organizations which represented the black majority in South Africa.

In addition, he continued, the Republic of Korea had contributed commodity and cash grants to the States enclaved within South Africa, such as Lesotho and Swaziland, and States in the immediate vicinity of South Africa, such as Botswana, Namibia and Mozambique. The Korean Government had also strengthened its anti-apartheid policy through its enhanced involvement in the efforts of the international community, in particular those of the United Nations.

MOHAMMAD ALI MOTTAGHI-NEJAD (Iran) said that in spite of various positive developments, apartheid was still present in South Africa. The black majority had not been given the right to vote on the basis of "one person, one vote" and the racially-oriented Constitution had not been changed. The economic sanctions imposed on the South African régime had had its effects on the disgraceful ruling system. Although the efforts by the international community had been indispensable to the struggle being waged by the people of South Africa, they had not been commensurate with the seriousness of the apartheid scourge.

Therefore, he said, the international community should continue to keep a close eye on the developments taking place and maintain its pressure until apartheid in all its manifestations was ended. In that regard, he believed that the time was not ripe to lift all sanctions; rather that process should be gradual, taking into account the developments in the country. The continued sanctions, in concert with the internal struggle, constituted an important element in the liberation of the people from apartheid. The

sanctions should be lifted when there was reason to believe that racism and racial discrimination were no longer practised in South Africa. With the support of the international community and individual Member States, apartheid could be eradicated and peace, equality, prosperity and non-racial society would prevail in South Africa.

JUANA SILVERA NUNEZ (Cuba) said that despite the fact that the recent news from South Africa was encouraging, the irrational violence in the first 20 days of this year alone had led to 84 deaths. That violence, contrary to what was asserted by the Government, was not the result of inter-ethnic problems. Agents of the South African Government had created, organized and manipulated that situation, with the participation of many of the country's terrorist groups. It was also known that mercenaries had been used. That phenomenon had given rise to doubts to the real control exercised by the De Klerk Government.

She said it was necessary to have profound changes, both political and socio-economic, in the country, and to establish a Government of national unity. She called on the international community to exert pressure in order to stop the violence and to abolish the remaining structures of apartheid. Now, more than ever, the Commission should turn its attention to xenophobia, discrimination, intolerance, racism and neo-fascism in the world, and in particular in Europe. Cuba supported the appointment of a Special Rapporteur on that theme who would be requested to report every year to the Commission. While those phenomena existed, the Commission had to continue to focus on this issue.

ALIOUNE SENE, observer for Senegal, said it was regrettable that the Conference for a Democratic South Africa (CODESA) had been broken off, especially when the white electorate had decided by a large majority to have President de Klerk negotiate with the black majority. Currently, a more favourable climate for political activity should be created. It would seem that some radio networks and the security forces should be put under surveillance. It was a welcome move that the South Africa Government was willing to welcome United Nations, European Economic Community, the OAU and intergovernmental and non-governmental organization observers. Contacts with the International Olympic Committee would also facilitate social integration.

The post-apartheid period could be a major axis for African development, he continued. The International Labour Organisation (ILO) was taking steps to facilitate events in that direction. The time had come for the United Nations to act to eliminate apartheid forever. The proposal to appoint a special rapporteur on racial discrimination and new manifestations of racism was welcome. The fight against racism should take place on the historical, political, economic, social and cultural levels. On 21 May each year, the world should celebrate the International Day for the Elimination of Racial Discrimination.

RI TCHEUL, observer for the Democratic People's Republic of Korea, hoped that the negotiations on the Constitution in South Africa would resume as soon as possible. Negotiations were the most efficient and quickest way for solving conflicting issues. Their success would depend on part in the

sincerity of the negotiating parties. He urged all countries to refrain from engaging in any type of premature behaviour which could slow down the progress of democratization. The observer also supported the appointment by the Commission of a Special Rapporteur to study contemporary forms of racism, racial discrimination and xenophobia.

GUNDUZ AKTAN (Turkey) said the number of racist incidents in Western Europe was frightening. A Turkish non-governmental organization which had studied the matter estimated that about 20,000 racist incidents occurred annually in the region, in spite of pervasive under-reporting and under-recording. Since Turks had to face racist attacks, the Turkish Government did not consider racism as a problem of others in which it should take a purely humanitarian interest. It followed developments very closely in the countries concerned and was satisfied with the serious legal, political and law enforcement efforts made by them.

The United Nations approach to combating racism was based on international control and monitoring of the governmental policies and practices with respect to standards embodied in the relevant Conventions, he said. Non-governmental organizations also played their part by presenting the allegations that they gathered. Concerned countries were expected to amend their behaviour in face of international censure or loss of prestige. That approach, he said, had its merits but also its limitations. It was necessary to humble one's self to be able to learn and teach from one another's experiences. If a broad understanding of the precarious human condition could be reached, perhaps more efficient ways to improve respect for human rights worldwide could be devised.

MOUNIR ZAHRAN, observer from Egypt, welcomed the positive changes which had taken place in South Africa. The objective of recent developments seemed to be the achievement of genuine reform. It was necessary, however, to set up a transitional Government to work on the new Constitution, which should be based on the principle of "one man, one vote". The breakdown of the negotiations on constitutional reforms and the escalation of violence and bloodshed raised concerns. He urged countries to refrain from establishing relations with the Government of South Africa until the establishment of a transitional Government and the organization of democratic elections. The international community should draw up a plan of action and a calendar for the process of democratic change in South Africa. He was in favour of the appointment of a Special Rapporteur to monitor the changes and report on them. The two Decades of Action to Combat Racism and Racial Discrimination had not achieved their aim. Egypt supported the idea of proclaiming a third decade, given the fact that xenophobia and racism had resurged in many parts of the world.

HAAKON B.H. HJELDE, observer for Norway, speaking on behalf of the Nordic countries, said that it was particularly disturbing that racism and racial violence in various forms were increasing so rapidly in Europe -- just 50 years after the holocaust and the darkest chapter in modern European history. Since its adoption, the Convention on the Elimination of All Forms of Racial Discrimination had been the basic international legal instrument in combating racism. The task of the Committee on the Elimination of Racial Discrimination

to monitor the implementation of the Convention was a vital importance. It was therefore of great concern that at a time when the Committee was faced with an increased workload, the time allotted for its meetings had been diminished. The Nordic countries strongly supported the funding of the Committee from the regular United Nations budget.

The launching of a third decade to combat racism and racial discrimination should be seized as an opportunity to pursue more vigorously international endeavours against racism. In an increasingly interdependent world the new victims of racism were ethnic minorities, refugees, migrant workers and other vulnerable groups. The third decade should take into account all factors responsible for racial discrimination -- be they political, social, historical, cultural or economic. Every Government had the responsibility to ensure that racial prejudice was eliminated through legislation, training and education. Seeds of tolerance, equality and acceptance had to be sown in the minds of children. Moreover, interdependence of nations made them responsible for one another. "If we turn a blind eye to injustices committed against a neighbour, are we then not putting ourselves at the same level as those committing the crime?"

JULIAN I. PALACIOS SERRANO, observer for Spain, said that in spite of all attempts to eradicate it, racial discrimination persisted and, moreover, was expanding to include new and pernicious forms. The appearance of trends of intolerance and xenophobia in developed countries was particularly alarming. Even in countries which had never known the phenomenon had become recently familiar with the dangers of xenophobia. Spain had modified its Penal Code to punish any racist attitudes and practices. Young people should be taught the principles of tolerance. The approval of a special rapporteur to report to the Commission on those matters would be welcome.

EL GHALI BENHIMA, observer for Morocco, said that the persistence and increase in violence in South Africa was the result of the interruption of the negotiations which were aimed at constitutional reforms and the emergence of a democratic and multiracial State. While apartheid had been officially abolished in June 1991, its practice had not totally disappeared. It was encouraging to see that the South African leaders were increasing their initiatives in order to improve the situation. However, any substantive progress would remain insufficient, as long as all of apartheid's laws had not been abrogated. Acts of violence, and repressive measures were jeopardizing the democratic process. Numerous testimonies had implicated the militias. The fact that the Government had dismissed several superior officers was an encouraging sign of goodwill.

VENANT WEGE-NZOMWITA, of the Organization of African Unity (OAU), said that President de Klerk's recent claim that the constitutional negotiations would soon resume was an attempt to turn international attention away from the concerns of the black majority in South Africa. Ten thousand people had already been killed over the last three years, and a year ago the world felt more optimistic that a peaceful transition to democracy would occur. But violence had prevented CODESA from progressing. Various other sources of tension in the world had overshadowed events in South Africa, but it was not too late to call for the resumption of negotiations.

The international community was also called upon to continue its support of the liberation movements. The OAU had sent an expert mission to South Africa which had submitted its report. At a time when the whole world condemned racism in South Africa, there was a resurgence of xenophobia and racism in other parts of the world. The phenomenon of the extreme right was still marginal and hundreds of thousands of Europeans had reacted against the small groups which sought to sow terror. Racism, even in its anodyne form, was not an expression of an opinion; it was a crime which had to be punished and expunged from human society.

N.S. TARZI, of the Organization of the Islamic Conference, stated that the Cairo Declaration on Human Rights in Islam, adopted in August 1990, constituted an important step in the efforts to ascertain human rights and protect mankind from exploitation and persecution. The human conscience was outraged by the inexcusable, abhorrent policies of racism and racial discrimination in all their forms and manifestations, particularly in the institutionalized form being practised by South Africa. Despite the repeal of some basic discriminatory laws in South Africa, it was now becoming increasingly evident that white supremacists were bent on impeding the democratic process and on reversing the course of reforms.

The recurring violence in South Africa had remained the major concern of his Organization. Escalation in township violence was also directly attributable to the South African régime. The establishment of a non-racial democratic society in South Africa would not be complete if the socio-economic imbalances which had resulted from the institutionalized system of apartheid were not addressed urgently. International restrictions in the field of trade and investments should be upheld until the establishment in South Africa of clear and undisputed transitional arrangements that inspired international confidence. Sanctions should remain until a transitional authority requested their removal. The oil embargo and arms restrictions imposed by the Security Council should be lifted only at the final stage of the transition process in South Africa when a new Constitution was adopted and a democratically elected Government installed.

BEATRICE FAUCHERE, of the World Confederation of Labour, said the conditions of life and work, which were equally revealing of the apartheid policies, remained unchanged. More than 23 million blacks lived with no electricity and only minimal quantities of water. Inequalities between blacks and whites had even increased in 1992. The average income of a white household in 1992 was seven times higher than that of a black household. Moreover, up to 50 per cent of the black population was affected by unemployment. She condemned the escalating violence. Each month hundreds of people were killed for political reasons. She called for the maintenance of sanctions and the establishment of a transitional government, as well as the elimination of corruption in the administration.

DAVID LITTMAN, of the International Fellowship of Reconciliation, said that the "blood libel" was one of the oldest of mythical beliefs that had contributed to the form of racial and religious discrimination known as anti-semitism. The myth that Jews abducted and slaughtered a non-Jewish person in order to extract the victim's blood and use it in the Passover meal

for ritual purposes was widespread in Europe during the Middle Ages, surviving into the Twentieth Century. Regrettably, that bloody myth now permeated the popular consciousness in much of the Middle East and was frequently evoked during political debates and even in documents unwittingly printed by the United Nations. A striking example was provided in the 7 October 1992 letter to the Under-Secretary-General for Human Rights, now before the Commission, by the Palestinian Observer to the United Nations at Geneva. The Commission had an opportunity to demonstrate openly that it would not tolerate any blood-libel accusations, which were in total contradiction with everything for which it stood.

Another racist myth, he continued, was the belief that a Jewish-led conspiracy sought to control the world, a plot which was seen at work in every revolution, in every war, in the workings of all international organizations and in the efforts of most transnational associations. The most widespread of those "conspiracy theories of history" was contained in a forged document called "The Protocols of the Learned Elders of Zion". It was a sad reflection on the times that the Protocols were still widely disseminated throughout the Arab-Islamic world. It was only through realism and a knowledge of history that one understood that there were no universal conspiracies, there was no one ethnic, religious or social group which controlled all events or who had long-range plans for world control and domination.

MALIK OZDEN, of the Centre Europe-Tiers Monde, said that at the beginning of December, the South African Air Force had concluded a deal with Switzerland to buy 60 Pilatus PC-7 planes worth 250 million Swiss francs. That sale was in violation of Security Council arms embargo against South Africa. Along with the anti-apartheid movement of Switzerland, his organization denounced the casualness with which Switzerland was approaching this matter. The Swiss Government claimed the sale did not contravene the embargo and considered the aircraft not to be a combat aircraft. The PC-7 was, in fact, a combat aircraft, having been used for such purposes in Guatemala and Iraq. Even if the Swiss authorities refused to admit that the PC-7 was a combat aircraft, it would nevertheless be used to train pilots for military purposes. That was contrary to the spirit of the embargo. The Swiss Government was exhibiting a mercantile spirit in the matter. He called on the Commission to denounce the violation by Switzerland of the international embargo against South Africa.

ANDREE FARHI, of the World Jewish Congress, expressed concern at the unabated intensity of the relentless upsurge of contemporary racism and xenophobia accompanied by the widespread and deliberate incitement to hatred and violence, on grounds of race, religion, ethnic or national origin. The scourge of racist xenophobia had continued to erupt in the form of rabid anti-semitism throughout Eastern and Western Europe. The Commission had yet to condemn, in a resolution, the profoundly disquieting nature of anti-semitic incitement to hatred or specific acts of violence and terrorism, whether in isolation or generalized. No human rights instrument referred to this centuries-old and archetypal scourge, not even the International Convention on the Elimination of all Forms of Racial Discrimination.

The dissemination of an anti-semitic statement by the Secretariat of the Commission raised basic problems about the Commission's procedures. United

Nations organs and Member States should respect the international principles on that matter. Moreover, it should be expected of presiding officers of United Nations organs, in particular those of human rights bodies, to rule out such defamatory statements. Furthermore, necessary measures should be taken in connection with the proceedings of such bodies and notably of the Commission, to ensure that defamatory statements were not incorporated into documents or material distributed by the United Nations.

DEBORAH ROBINSON, of the Commission of the Churches on International Affairs, said that Europe had experienced a dramatic resurgence of racism, anti-semitism and intolerance. Both the former East and West Germany had witnessed an astonishing rise in violent neo-Nazi style actions. The main victims had not only been persons of African and Asian descent, asylum-seekers, seasonal workers and immigrants from Central Asia and the Mediterranean region who had recently come to Germany, but also people from Turkey who had lived in Germany for 10 to 20 years. Refugees had been used as scapegoats for the tensions in the country. Surely, Germany, one of the richest countries in the world, could be expected to accommodate refugees and asylum-seekers, work vigorously to oppose racism and racist attacks and at the same time, desist from fortifying its national borders.

The eruption of racial violence in Los Angeles, she said, had revealed the degree to which Asian, Latino and African American communities had been pitted against one another in competition for economic survival in a white-dominated society. The best insurance against "another explosion" in Los Angeles was not a stronger police State, but the will to address directly the problem of racism and its underlying causes. Her organization and the Conference of European Churches were calling on churches to eradicate discrimination in their own structures and practices and to press Governments to take appropriate action against racism and discrimination.

WILLIAM L. WIPFLER, of the Anglican Consultative Council, drew attention to several elemental causes of the ongoing crisis in South Africa that demanded denunciation by the international human rights community and the Human Rights Commission. The first was the numerous laws and regulations of the apartheid system that remained unrepealed and unaltered. The education system and the electoral system had remain unchanged. The second factor was the continuation in significant positions of power in the Government, particularly in the security forces, of persons still committed to the policy of apartheid and who were responsible for some of the gravest violations of human rights. That alone should be sufficient to convince the United Nations and Member States that the sanctions against South Africa should not be precipitously lifted.

The final factor, perhaps the most troublesome, he said, was enactment of the Further Indemnity Act by Mr. de Klerk in November. The blanket impunity provided by this act to the most heinous criminals of the apartheid system transgressed the rule of law. The Commission should uphold the principles of international law and call on the Government of South Africa to replace the Further Indemnity Act with an appropriate amnesty law.

(more)

ROGER WAREHAM, of the International Association Against Torture, said that if a just peace was to exist in the world, the type of preemptive initiative which the Secretary-General characterized as preventive diplomacy should be executed in the areas of racism and racial discrimination. Many of the objectives of the Second Decade to Combat Racism had not been achieved. The activities of the third decade should include examination of regions which had heretofore escaped rigorous international scrutiny, notably in Germany and the United States. While many Germans had engaged in massive demonstrations protesting that racism, the Government's response had been lethargic and characterized by concessions to the conservative political mood.

In the United States, he said, the situation was less dire than Germany's, but the sheer magnitude and history of its racism demanded greater attention. For the past 130 years the world had left the United States to its own devices to deal with "the race problem". Some 130 years after Abraham Lincoln's Emancipation Proclamation, the essence of blacks' "progress" was that they were no longer chattel slaves. What United States history had demonstrated was that civil rights could not resolve its racial problems. He called for the appointment of a Special Rapporteur on racism.

Economic, Social and Cultural Rights

In connection with economic, social and cultural rights, the Commission had before it a report by Luis Valencia-Rodríquez, Independent Expert on the right of everyone to own property alone and in association with others. The report deals with specific features of the right to own property, its place in the hierarchy of all human rights and its significance in fostering widespread enjoyment of other basic human rights. It considers the significance of the right to own property as a contribution to security, peace and the goals of economic and social development enshrined in the Charter and its relationship to ensuring the full and free participation of individuals in the economic and social systems of States. The report also describes the restrictions and limitations in the exercise of that right. The report concludes that the right to own property as a means of contributing to economic and social development and to the enjoyment of human rights is an extremely complex question that touches upon a wide spectrum of activities and relationships with other human rights.

It states that there is a need to maintain the clear link between the right to own property, the right to adequate housing and other relevant human rights during consideration of the realization of economic, social and cultural rights. The Committee on the Elimination of Racial Discrimination should pay particular attention to the measures aimed at inadmissibility of discrimination in the matter of the right to own property. The Committee on the Elimination of Discrimination against Women should consider adopting a concise statement or assessment concerning the discrimination faced by women in many countries regarding the exercise of their right to own property. Special attention should be paid to methods aimed at eradicating such discrimination. The report calls for the convening of a seminar on the ensuring of the right to own property in one of the Eastern European countries.

(more)

The Commission also had before it a report of the Secretary-General on concrete proposals for the effective implementation and promotion of the Declaration on the Right to Development. The report draws upon the recommendations that were made during the 1990 Global Consultations on the Right to Development and the comments that were received on the subject of the implementation of the right to development from 1990 to 1992, as well as academic literature on the subject. It states that the time was right for the Commission on Human Rights to develop a strategy on how to incorporate the issue of the right to development into the mainstream activities of the United Nations in the field of development.

The Commission also had before it a report of the Secretary-General on the status of the International Covenants on human rights. The report lists the States parties to the Covenants and Optional Protocols, the dates of their ratifications, accessions or successions as well as the dates of entry into force of those instruments for each State.

Statements

Introducing his report, LUIS VALENCIA-RODRIGUEZ, Independent Expert on the question of the right to own property, noted that there were often differences between nationals and non-nationals, women and men in the enjoyment of that right. The right to own property was a very complex issue with many links to other human rights. Democracy was based on the concept of individual choice. As such, the right of individuals to own property constituted a basic human right.

A.B. RIMDAP (Nigeria) said the international community should cooperate in ensuring the elimination of all obstacles to national development. The Commission should establish standards which could be implemented by publicizing them, so as to ensure that relevant international institutions would take human rights into account when formulating or evaluating their programmes.

He called for the appointment of a Special Rapporteur who would identify those factors and areas in the international economic environment inhibiting the developing countries from the full realization of the right to development. The developing countries, especially in Africa, he said, should be able to obtain technical and advisory services, not only from the Commission, but also from the specialized agencies.

Among the major obstacles to the realization of the right to development was the ever-widening gap between the rich countries of the North and the poor countries of the South. Lack of coordination within the United Nations system was another serious problem. He supported the suggestion of the Secretary-General concerning the establishment of a focal point in the Centre for Human Rights not only to coordinate with other United Nations departments, bodies and specialized agencies whose mandates included the right to development, but also to examine developments in those bodies, including their policy-making organs.

(more)

MUSA HITAM (Malaysia) said that in Asia, old values, traditions and discipline within a society, particularly multiracial societies, played very crucial roles. While Governments were accountable to the people and were responsive to their needs, individuals on their part had clear responsibilities towards society. The protection and promotion of human rights should be pursued in a body such as this Commission in an atmosphere of constructive dialogue and not with threats. The dual objective of national development and fulfilment of human rights was dependent on a favourable external environment. Unfortunately, the Commission had been too preoccupied with scrutinizing the political and civil rights in certain selected third world countries. In the process, it had neglected the external environment and pursuit of the right to development.

The time had come now for the Commission to begin to take a holistic and balanced approach to the promotion of human rights, he said. The Declaration on the Right to Development was a crucial component in the fulfilment of economic, social and cultural rights and was fundamental to the reform of international cooperation on human rights. The Western developed countries continued to resist attempts by the "Group of 77" developing countries to get the United Nations system, including the Commission, to accord the implementation of the Declaration on the Right to Development its due importance. Continuing preoccupation with political and civil rights on the part of the developed countries was tantamount to marginalizing the right to basic freedoms -- from hunger, disease, homelessness. The forthcoming World Conference on Human Rights would have real meaning only if it was able to focus on the linkage between human rights and development and produced a workable programme of action on the right to development that would enable the Commission to play its balanced and rightful role in the promotion of international development cooperation.

MARTIN SHARP (Australia) stated that in the past year there had been further progress towards universal adherence to the human rights Covenants. While this increase was encouraging, it was due in part to the increase in the total membership of the United Nations. The fact remained that a substantial number of Member States had yet to become party to either Covenant. He urged all Member States that had not yet done so to ratify, accede or succeed to the Covenants.

Regarding recent efforts to enhance the effectiveness of the human rights treaty system, he said ways should be explored to encourage timely reporting and to develop alternative approaches to maintaining a constructive dialogue with States parties. One way to help States to fulfil their reporting obligations was through the provision of advisory services and technical assistance. The Australian Government, in cooperation with the Commonwealth Secretariat Human Rights Unit, had established a modest programme to assist developing countries in preparing reports.

He suggested that reports be written with a thematic rather than article by article approach and that States be provided with Committee members' questions in advance. The aim should be a reporting process which allowed both the international community and the citizens of States parties to monitor

more effectively the implementation by Governments of their substantive obligations under the major human rights instruments.

MUSHAHID HUSSAIN (Pakistan) said that the right of self-determination of peoples living under alien domination and foreign occupation was central to the realization of the right to development. Only after people acquired freedom and sovereignty would they be in a position to pursue the goal of development in an independent manner. Human rights were indivisible, and there was a close linkage between development goals and other initiatives that sought to promote respect for human rights in all categories. In addition, the right to development as a human right was gaining enhanced importance in a changing global situation. It was today inextricably linked to world peace and stability. The efforts of some to relegate it to a position of secondary importance were doomed to failure.

The realization of the right to development, he continued, would depend, in large measure, on the ability of the countries of the West not only to share their technology with the third world, but also, at a more fundamental level, on their willingness to consider the countries of Asia, Africa and Latin America as partners in a common future. The gross inequality which currently defined international economic relationships between the advanced industrialized countries of the West and the developing countries of the third world was regrettably widening. The question of debt hung around third world countries like an albatross, seeking to choke them financially and strangle them politically. Regrettably, the creation of barriers to the acquisition of knowledge was also occurring. He called for some of those issues to be tackled at the Commission so that the right to development would not be impeded.

VERONICA MENDIZABAL, of the Women's International League for Peace and Freedom, said the causes of violations of economic, social and cultural rights lay in national and international policies which had resulted in an unjust distribution of wealth and power and a growing gap between rich and poor. Unjust economic policies were a major contributing factor to much of the ethnic, religious, racial, civil and regional conflict today. If those policies were not changed, social breakdown would accelerate and international peace and security would be threatened to the point that world war might result.

Much of the responsibility for the needless death, suffering and destruction lay with the International Monetary Fund (IMF) and the World Bank, she continued. In order to get countries to pay their debts, those institutions imposed policies that literally forced Governments to violate the economic, social and cultural rights of their citizens, specifically the right to work, to food, housing, health, education and development. She called on the Commission to think about prevention, particularly against the background of global recession and mounting joblessness, poverty and discontent in many countries. The international financial institutions must be held accountable to the United Nations.

BRUNO ROMAZZOTTI, of the International Movement ATD Fourth World, said the General Assembly had decided that the "International Day for the Elimination of Poverty" would be celebrated every year on 17 October. Every year, on that date, very poor families and all persons who believed that extreme poverty was a violation of human rights gathered together. They hoped that the Commission would ensure that the link between human rights and extreme poverty was taken into account in the celebrations of that Day. The appointment of a Special Rapporteur on that question by the Subcommission on the Prevention of Discrimination and Protection of Minorities was a source of hope for partnership between the poor and the United Nations. The poor would be holding a dialogue with the members of the international community by contributing to the Rapporteur's study.

Right of Reply

SOUALEM LAZHAR, observer for Algeria, replied to a statement made by a non-governmental organization that Algeria had been spreading anti-Semitic literature. Quite to the contrary, he said, the Algerian Penal Code and a 1990 law prohibited the dissemination of any information which ran counter to Islamic law and promoted treachery. The journalist from Le Monde had been working in secret, and thus Algerian authorities could not have been responsible for what he had written.

* *** *

United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/416
16 February 1993

# ENJOYMENT OF SOCIAL AND CULTURAL RIGHTS AND RIGHT TO DEVELOPMENT DISCUSSED BY HUMAN RIGHTS COMMISSION

GENEVA, 12 February (UN Information Service) -- The conditional acceptance of human rights instruments and the adverse effects of structural adjustment policies on the respect for human rights were two of the concerns raised this morning as the Commission on Human Rights began consideration of the full enjoyment of economic, social and cultural rights, and the right to development. The status of human rights instruments and the effective functioning of bodies established to monitor them are also being considered by the Commission.

The representative of Chile told the Commission that reservations to the human rights Covenants were incompatible with the principles of human rights, because the principles enshrined in the Covenants were absolute and could not be implemented partially. The representative of Hungary said that since the promotion of human rights was a duty of every State under the Charter, no State could validly justify its failure to ratify or accede to human rights instruments.

Statements were also made by the representatives of China, Burundi and the Philippines. The following non-governmental organizations addressed the Commission: International Federation of Human Rights, International Federation of Rural Adult Catholic Movement, International Organization for the Development of Freedom of Education, Centre Europe-Tiers Monde, International Humanist and Ethical Union, Movement against Racism and for Friendship among Peoples, International Commission of Jurists, Minority Rights Group and the Bahá'i International Community.

Statements Made

IGNACIO LIANOS (Chile) said the main obstacle to the full implementation of international Covenants on human rights was the conditional acceptance by States of those instruments. Reservations to human rights instruments were unacceptable because human rights were fundamental rights; their enjoyment could not be conditional on anything. Reservations to human rights Covenants were incompatible with the principles of human rights because the latter were absolute and could not be implemented partially.

(more)



For information media--not an official record

PANG SEN (China) said the right to development was closely related to civil and political as well as economic, social and cultural rights. The right to development was not only an individual, but also a collective human right. It was the responsibility of all Governments to ensure the realization of the right to development. The human being was the subject of development. The development of a country or a nation and that of an individual were interdependent and complementary.

However, he said, obstacles at the international level were still impeding the full realization of the right to development. He called for the elimination of colonialism, racism, foreign aggression and occupation. Maintenance of international peace and stability and a guarantee of the right to self-determination were necessary preconditions for the full enjoyment of the right to development.

Further, he said, the practice of providing conditional assistance to developing countries should end. Development assistance should not come with political strings attached. Only by promoting the development of the developing countries, completely eradicating poverty and backwardness, narrowing the gap between North and South and fundamentally changing the old unjust international economic order, could the world achieve peace and stability in its truest sense. Only then would people of all countries enjoy all human rights.

LAURENT NZEYIMANA (Burundi) said the Commission should have the courage to set equal criteria for all countries and all peoples in the monitoring of human rights instruments. Representatives should transcend national interests in order to apply equally the universal principles of human rights everywhere. The Commission must condemn, in strong terms, the serious violations of human rights the world was witnessing in Africa, Eastern Europe, the Middle East and elsewhere.

Further, he said, each country must focus first on setting its own house in order. Burundi was making serious efforts to conform to international standards for the protection of human rights. He said he did not want to remain silent about the unfortunate bloody events of November 1991, he said. Those events had been the result of the actions of a marginal, extremist group whose acts were illegitimate.

He also noted the importance of educating the public about such legal principles as the presumption of innocence and the establishment of a national institution for the protection of human rights.

AGNES HEVESI (Hungary) said that effective implementation of the extensive array of human rights instruments on the basis of universal applicability was of paramount significance. Without such implementation, those carefully worded instruments would remain empty shells. Since the protection and promotion of human rights was the duty of every State under the United Nations Charter, Member States had no valid justification for failing to ratify those instruments. The long-standing problem of reservations to various human rights treaties maintained by some States, especially

(more)

reservations which were obviously incompatible with treaty provisions, were a serious obstacle to the effective implementation of human rights instruments and a cause for grave concern.

However, she continued, the significant growth in the human rights treaty system, with an increasing number of States becoming party to different instruments, were positive factors. Resources allocated for the servicing of treaty-monitoring bodies had not kept pace with their increasing responsibilities. The lack of adequate resources should not be the cause of ineffective monitoring machinery.

LILIA R. BAUTISTA (Philippines) stated that her country had participated actively in many of the international and regional gatherings which had endorsed the right to development as a fundamental human right. At the national level, in recognition of the direct link between development and human rights and to underline her Government's continued commitment to the protection of human rights, the Government considered alleviation of poverty a top priority. Poverty alleviation measures had been integrated into development plans. Human development had also been added as a medium-term goal of the Philippine Development Decade Plan for the years 1993 to 1998.

Philippine President Ramos had called on people to take an active part in the war against poverty, she said, stressing that the Philippines needed new heroes who would lead their country by assuming civic responsibility and sharing in the performance of civic duties. The Government had also adopted the advancement of peace and national reconciliation as a priority. A national unification commission had been set up and was actively pursuing talks with opposition groups. The return of security and stability was necessary for the full implementation of development programmes, she added.

LAVENERE MACHEDO, of the International Federation of Human Rights, said that in Brazil one of the obstacles to development was the lack of respect for civil and political rights exemplified by the persistence of slave labour. Brazil had a history of such labour practices which had prevailed since 1964, when the military drew big companies to the Amazon by giving them tax exemptions. In the last few years, despite the return to democracy, the practice persisted in several regions including the developed southern states of the country. While the penal code of Brazil prohibited such labour practices, the majority of cases went unpunished.

The fact that big landowners in Brazil had a great deal of political power prevented the realization of land reform, he said. The absolute poverty of 60 million Brazilians was also the result of the policies imposed on Brazil by the international financial institutions. He urged the Commission to consider the effect of such policies on the respect for human rights.

BLAISE FAVRE, representative of the International Federation of Rural Adult Catholic Movement, deplored the grave violation of the fundamental right to be free of hunger. The State was responsible for ensuring that rural communities attained self-sufficiency in food. However, rural communities were marginalized in the national economy. All too often, the State was

complicit in events which led to the degradation of rural communities. Deforestation and soil erosion were among many factors that deprived rural communities of water, land and firewood. Ethnic conflict made sustainable development even more difficult. Only solidarity and democracy could save rural communities. In Chad, Mexico, India, Madagascar and Haiti rural communities of peasants were getting organized to assert their right to development by acting democratically.

ALFRED FERNANDEZ, of the International Organization for the Development of Freedom of Education, said it was becoming increasingly evident that sustainable development or true democracy were not achievable without education. The right to education played a key role in the realization of economic, social and cultural rights. Education was the engine for economic and social progress. In many countries, including those with long democratic traditions, education was run in a monopolistic or quasi-monopolistic way. In Germany, for instance, the State controlled and provided 98 per cent of all education, in Denmark 91 per cent, in the United States 89 per cent and in France 85 per cent. What would one say if the media was controlled to the same extent by the State, he asked.

MALIK OZDEN, of the Centre Europe-Tiers Monde, said that if the aim of the International Monetary Fund (IMF) was to reduce the external debt of developing countries, then it had failed. The real role of IMF seemed to be to put countries under the perpetual obligation to service the debt. The solution was to cancel the debt, he said.

On another subject, he called on the Government of Rwanda and the Patriotic Front of Rwanda to resume their negotiations for national reconciliation. The United Nations should use its influence to bring a peaceful end to the war which was seriously compromising the development of that country. Rwanda had the right to development. What kind of future did a country have where the majority of the population were deprived of their fundamental rights, he asked.

A.J. DILLOWAY, of the International Humanist and Ethical Union, said the world economy had been in a decline since October 1973 and would continue that decline unless it was radically reformed. For over a decade, the gap between the wealthy and the poor had continued to widen in developed States as well as in the world as a whole. Common global aims and obligations in the economic, political and environmental fields had become the real basis of social life. The Comission should deal with ecology, economy and society as interrelated issues.

J.J. KIRKYACHARIAN, of the Movement against Racism and for Friendship among Peoples, said new waves of migration, debates on the right to asylum, as well as distinctions between economic and political refugees were indications of future social problems. Unless famine, acquired immunodeficiency syndrome (AIDS) and other diseases led to the death of the population of an entire continent, the hungry would make their way to countries where they could eat.

(more)

First of all, he said, something had to be done to solve the problem of external indebtedness of developing countries. The price of commodities, that formed the major part of developing exports, should also be re-evaluated. Many peasants today could survive only because of crops such as coca or opium poppy. Other crops simply were not profitable enough. It seemed necessary to launch a global Marshall Plan, he said.

ALEJANDRO ARTUCIO, of the International Commission of Jurists, said large sectors of the world's population lived in extreme poverty and did not enjoy economic, social and cultural rights. That, inevitably, led to a negation of civil and political rights as well. He proposed the appointment of a special rapporteur on extreme poverty.

The shortcomings in the functioning of democracy was another topic which deserved to be studied, he said. Popular participation was a precondition for democracy. The Commission should focus on ways of enforcing economic, social and cultural rights. The functioning of the Committee on Economic, Social and Cultural Rights should be improved to ensure the implementation of the relevant Convention. An optional protocol to the Convention should be drawn up so as to allow individuals and groups to submit details on its implementation.

TICA BROCH, of the Minority Rights Group, said the natural political, economic, social and cultural development of Tibet had been severely distorted by the forcible imposition of alien norms over the past three or four decades. Tibet's economic, social and cultural rights were hostage to the decision-making of Chinese officials who lived several thousand miles away and had never set foot in Tibet. The discrimination in favour of the Chinese had reached such proportions that in the space of 10 years, 96 per cent of private enterprises were in the hands of the Chinese, who officially made up only 4 per cent of the population. The Tibetans were continuously being forced to choose between adopting Chinese ways or remaining undereducated and unemployed. There was no appreciation of cultural differences, and no dissenting opinions were tolerated in any field. Peaceful protest had been met with brutal and severe repression.

DIANE ALAI, of the Bahá'i International Community, said the increasing disparity between the rich and the poor was a major destablizing influence in the world. The widening gap exacerbated regional and national conflicts, environmental degradation, crime and violence, and the use of illicit drugs. The Bahá'i approach to the problem of extreme poverty was based on the belief that economic problems could be solved only through the application of spiritual principles. That approach suggested that to adjust the economic relationships of society, man's character should first be transformed. A new economic order could be founded only on an unshakable conviction of the oneness of mankind. In the new world order envisaged by Baha'u'llah, rights were inseparable from responsibilities. A fundamental purpose of life was to contribute to the advancement of civilization. Idleness and begging were unacceptable in a well-functioning society. The fostering of grass-roots initiatives was essential to the elimination of poverty, she said.

* *** *

United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/417
17 February 1993

# HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## Several Speakers Call for Focus on Obstacles to Development

GENEVA, 12 February (UN Information Service) -- In the discussion this afternoon on the realization of economic, social and cultural rights and the right to development, speakers in the Commission on Human Rights focused on poverty as a condition which affected billions of human beings and prevented them from enjoying any human rights. The continued absence of international cooperation in the field of development was also noted by some speakers who said the Commission had increasingly limited its work to the condemnation of violations of civil and political rights and had not addressed the obstacles to development as obstacles to the enjoyment of human rights.

The representative of Malaysia said there had been repeated opposition to attempts by developing countries to draw attention to the implementation of the right to development. Continuing opposition by the developed countries could not possibly be due to their lack of understanding on the crucial relationship between development and human rights. It could only be understood as a deliberate move by them to maintain their predominant economic situation and perpetuate North-South inequalities.

The representative of Australia said it was not for the Commission to prescribe detailed action in areas such as technical development assistance, debt relief or the transfer of technology. Nevertheless, the Commission could make recommendations on methods to monitor implementation of economic and social rights.

Also taking part in the debate were the representatives of Finland, Chile, Sri Lanka, Indonesia, and Cuba, and the observers for the Holy See, Ethiopia, Morocco and Iraq.

The representatives of the following non-governmental organizations also made statements: Christian Democratic International, the Latin American

(more)

For information media--not an official record

Federation of Associations of Relatives of Disappeared Detainees, the International Fellowship of Reconciliation, Habitat International Coalition, the International Work Group for Indigenous Affairs and Terre des Hommes.

The observer for Rwanda spoke in exercise of the right of reply.

Statements Made

C. SLESZYNSKA, of Christian Democratic International, said the world's spiritual leaders defended, as a concept, the right to development. Pope John Paul II, on the Day of Peace, had stated that each individual and social group had the right to satisfy personal and family needs and to participate in the progress of society. Misery, he had added, affected human dignity, attacked the value of life and distorted the value of society. That right should be one of the pillars of the new international order and one of the legal expressions of international social justice.

LOYOLA GUZMAN, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, noted the importance of the interdependence and indivisibility of civil and political rights with economic, social and cultural rights. The economic situation of Colombia had not improved, he said. There was widespread poverty and unemployment among the population. In El Salvador, poverty was caused by the excessive accumulation of capital by a small minority. Only half of the population was fully employed. Although the armed conflict had ceased, the defence budget was still a major part of national spending. One of the fundamental prerequisites for the realization of the right to development was popular participation. That factor should be taken into account in studies and reports on the subject.

PIERRE PORRET, of the International Fellowship of Reconciliation, said recent political changes had led to considerable interest in economic rights over social rights. Today, third world countries were not the only ones to have serious social problems because of economic issues. Europe as well as the developing countries were engulfed in a wave of unemployment, with serious results. One result was the resurgence of Fascist and xenophobic movements. Moreover, the economic situation was not going to get better fast. The various services of the State which had played a stabilizing role in the past would have to change their policies and bear in mind that they existed to serve their people and not to make a profit. The social problems of the next decade deserved the Commission's serious attention, and he called for the appointment of a special rapporteur on the question of extreme poverty.

SCOTT LECKIE, of the Habitat International Coalition, said hundreds of millions of people throughout the world continued to face economic, social, political and ecological conditions which denied and, in many instances, violated their lawful economic, social and cultural rights. Particular attention should be paid to the irrefutably negative human rights consequences resulting from the policies and funding practices of the International Monetary Fund (IMF) and the World Bank, which were so forthrightly recognized in the Special Rapporteur's reports. The Commission should vigorously

encourage both the IMF and the World Bank to take the specific recommendations directed towards them in Danilo Türk's final report seriously; to report back to the Commission next year on what steps had been taken to address those suggestions; to halt funding for projects which destroyed people's economic, social and cultural rights; and to fully incorporate human rights criteria into all aspects of their programmes, policies and projects. The Commission should strongly support the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights in order to give citizens access to justice and a means of enforcing their rights.

MOSES HAVINI, of the International Work Group for Indigenous Affairs, thanked the United Nations and its various organs, including the Commission, for the importance they placed on the issue of the gross violation of human rights in Bougainville. That had particular significance this year, as the United Nations promoted 1993 as the International Year of the World's Indigenous People. He said he was the only indigenous Bougainvillian representative still able to travel. His travel document would not be renewed by the Papua New Guinea authorities at its expiry. The human rights violations in Bougainville had a direct relationship to restrictions on social, economic and cultural rights and the right to development. The island had been under siege for three years. With sophisticated armaments received principally from Australia, the way of life of the people of Bougainville had been destroyed and had resulted in the complete breakdown of all social, cultural and economic rights of his people. He drew the Commission's attention and concern to the great needs of the people of Bougainville, and reiterated the importance of sending a fact-finding team to look into the Papua New Guinea Government's alleged gross human rights violations in Bougainville.

EILEN LACOURT, of Terre des Hommes, said that in Cambodia, the mortality rate for children under five years old was the highest in the world. Cambodia also had the highest number of tuberculosis sufferers in the world and the highest number of handicapped. Due to savage structural adjustment policies and foreigners with high purchasing power, general poverty had increased greatly in recent years. There was a growing feeling of injustice. The conventional functions of the State were no longer being respected and political violence was such that the elections could be jeopardized. In that regard, the example of Angola came to mind.

Progress could not be made with political rights if the essential human rights were not respected, she said. She doubted whether the Khmer Rouge could ever respect human rights. They were guerrilla warriors. She welcomed the United Nations presence in Cambodia and requested the Commission to ensure the firm exclusion of the Khmer Rouge from the peace plan, called for the appointment of a special rapporteur on Cambodia, and for the legal structures of Cambodia to continue to be strengthened. Financial promises made to help rehabilitate the country should be kept.

ARTO KOSONEN (Finland) said human rights violations continued in various parts of the world. Europe was no exception, with the events in the former Yugoslavia representing one tragic example. Now was the right time to

implement fully the existing body of international human rights norms. However, concentration on implementing international human right norms could produce the best results only if all States were committed to those obligations. A mere commitment to the observance of human rights enumerated in various international instruments was not enough. Their effective national implementation should take place by direct application, through legislation and through other necessary measures.

The wide dissemination of information on human rights standards, as well as the activities of non-governmental human rights organizations, had a positive bearing on effective national implementation of human rights instruments, also in the preventive sense. The role and possibilities offered by an ombudsman as an important safeguarder of proper national application of human rights norms, was also welcome. States should respect and implement human rights standards at the national level, and make their commitment to human rights an international obligation. All States should ratify or accede to the International Covenants and other major human rights instruments without extensive reservations. States parties which had made such reservations should reconsider their position and take appropriate measures to withdraw them as soon as possible.

ROBERTO GARRETON (Chile) said the doctrine of human rights viewed the person as a whole and took account of all the individual's needs. In that doctrine, all human rights were interdependent. As stated in the San José Declaration, no category of rights could be ignored at the expense of others. Enjoyment of the right to development was impossible without the participation of the entire population. In recent years, there had been acceptance of a more human dimension of development which integrated such variables as health and education. He welcomed the emergence of the concept of sustainable development. It was necessary for the Commission to join that trend.

Chile, he said, was in favour of convening, in 1995, a meeting of Heads of State or Government to discuss the responsibility of the United Nations in the promotion of social progress. His country hoped that the World Summit for Social Development would lead to the implementation of policies to eliminate poverty and achieve sustainable development. To date, obstacles to the enjoyment of economic, social and cultural rights remained. Problems in international trade and the debt burden persisted. Latin America and Africa were dramatic examples of unsatisfied basic needs. He hoped for the achievement of international cooperation in development.

BERNARD A.B. GOONETILLEKE (Sri Lanka) said the right to development, or indeed its very concept, could not be restricted to its economic or collective aspects. Food, health, education, housing and employment were essential for full and meaningful enjoyment of democracy and civil and political rights. Therefore, the individual and collective aspects, and the economic and political aspects, were inextricable. The Commission could approach the right to development in a more active and comprehensive manner. For example, there was no reason why all special rapporteurs and working groups of the Commission should deal exclusively with issues of civil and political rights.

Despite heavy odds, he said, many developing countries could speak of successes in ensuring certain economic, social and cultural rights which had made the democratic participation of their people more meaningful than in conditions of illiteracy and extreme poverty. Such positive achievements should not be overlooked. Positive action at both the national and international levels was required by States, the United Nations and other agencies and non-governmental organizations in order to bring about human rights in their totality, as embodied in the Declaration on the Right to Development. The Commission's commitment to civil and political rights should be extended to ensure the realization of economic, social and cultural rights and the right to development.

SOEMADI D.M. BROTODININGRAT (Indonesia) said that just like the right to self-determination or the rights of indigenous populations, the right to development was one which both individuals and peoples could claim. Yet in spite of notable progress and growing recognition, there were still instances in which the true notion of the right to development was not properly understood. Concerning the interrelationship between development, human rights and democracy, he said it was disturbing to observe an unfortunate tendency to capitalize on the competitive aspects of that interrelationship, particularly between development on the one hand, and human rights and democracy on the other. Human rights and democracy were themselves part and parcel of development.

Any attempt to use human rights as a condition for extending socio-economic assistance should be rejected, he said. Such a condition would amount to sidelining the relevance of the economic, social and cultural aspects of human rights. Such an idea would contradict the established international principle of sovereign equality between donor and recipient countries, and the sovereign right of the recipient countries to determine their own political, economic and social policies. Such a conditionality presupposed the judgement that human rights violations happened only in the recipient countries and never in the donor countries. Such a presupposed judgement was factually incorrect and morally objectionable. No effort should be spared in seizing the opportunity to translate those potentials into reality, holistically and through an improved and strengthened mechanism, in order to ensure the speedy realization of the true spirit of the right to development.

MUSA HITAM (Malaysia) said his country had always maintained that the fight for human rights was not only against political repression, but also against social deprivation and economic exploitation. That applied to individuals as well as to countries. Success in development efforts in a number of East and South-East Asian countries had proven to be a crucial factor for achieving broad socio-economic progress, while enhancing democracy and respect for human rights. What had prevented cooperation in the realization of the right to development, however, was the practice over the years of devoting the work of the Commission almost exclusively to civil and political rights. The situation had been aggravated, with increasing pressure being applied on third world countries through the use of country reports and the special rapporteur procedure.

There had been repeated opposition to attempts by the developing countries to draw appropriate attention and due importance to the implementation of the Declaration on the Right to Development. Continuing opposition by developed countries could not possibly be because of their lack of understanding of the crucial relationship between development and human rights. It could only be construed as a deliberate move on their part to maintain their predominant economic situation and perpetuate North-South inequalities. The perpetuation of an adversarial approach ran counter to the letter and spirit of the Charter and would not be in the interest of advancing the goals of the two International Human Rights Covenants. This situation could not be sustained. The only way forward was to undergo a major reform to ensure a comprehensive and holistic approach to human rights.

JUANA SILVERA NUNEZ (Cuba) said the economic and social situation of the developing countries was really dramatic. The gap between the countries of the South and those of the North continued to widen. Statistics showed that there was a deterioration in the conditions of life in developing countries. More than a billion people lived in extreme poverty, more than a billion were illiterate and more than 2 billion lived in inadequate conditions. In 1971, there were 25 least developed countries; by 1991, there were 47 countries in that category. The lack of access to markets, growing protectionism, low prices for commodities, among other things, were part of the actual unjust international economic relations. The debt burden continued to increase in Latin America, nearly doubling over the last 10 years. Estimates showed that in 1995 the debt of Latin America would grow by 8.7 per cent and that the poorest countries would suffer the most. The blockade imposed by the United States against Cuba was a flagrant violation of the norms of international law.

MARTIN SHARP (Australia) said it was a fundamental principle that civil, political, economic, social and cultural rights were indivisible and interdependent. All five rights were of equal status and importance, and the implementation of one or more set of rights could not justify the neglect of others. It was not for the Commission to prescribe detailed action in areas such as technical development assistance, debt relief or the transfer of technology. That was the responsibility of Member States and United Nations bodies and agencies concerned with economic and social development.

It was, however, entirely appropriate for the Commission to make recommendations on the manner in which the implementation of economic and social rights was monitored, and to express its views on the promotion, protection and implementation of cultural rights. To ensure more effective monitoring of the implementation of economic and social rights, it was essential that dialogue be developed among bodies active in the area. Universal accession to the International Covenant on Economic, Social and Cultural Rights and to the other relevant human rights instruments would strengthen the international commitment to the promotion of economic, social and cultural rights. Other treaty bodies could increase their scrutiny of economic, social and cultural rights. Moreover, the forthcoming World Conference on Human Rights provided an opportunity to address practical measures to advance the effective implementation of those rights.

PAUL TABET, of the Holy See, said that during the celebration of the Day of Peace last January, Pope John Paul II had expressed concern about poverty in the world, poverty which presented a serious threat to the social fabric because it eroded the dignity of human beings. Poverty was a problem that needed to be addressed urgently. Speaking on the subject of nutrition last December, the Pope had recalled the importance of populations to be properly fed. It was the task of the international institutions to guarantee food for all, because it was a basic right of all human beings and a key factor for economic development.

The international community had the obligation to ensure that the resources of the world were shared and see to a more equal distribution of wealth, he said. Developed countries had to intervene to help developing countries because world resources could not be reserved for a few. There could be no economic development without an established democratic system. He called for the appointment of a special rapporteur to study the impact of poverty on the full enjoyment of human rights.

MULUGETA ZEWDIE MICHAEL (Ethiopia) said the rebuilding of the Ethiopian economy, which had been totally devastated by decades of civil wars and the misguided policies of the defunct regime, was one of the major challenges being encountered by the Transitional Government. The new economic policy gave full and various incentives to the private sector, aimed at increasing the country's productive capacity. In recognition of genuine and encouraging development efforts, as well as its firm commitment to the promotion of fundamental human rights and freedoms, Ethiopia was presently receiving assistance from such international financial institutions as the World Bank and the IMF. The full realization of human rights demanded economic development and prosperity. Ethiopia had been associating itself fully with all international and regional positions that called for the recognition of that fact of life and its practical implementation. That was why this issue of great importance should be inscribed on the agenda of the forthcoming World Conference on Human Rights.

MOHAMED HOURORO (Morocco) said the new world order was not developing without complications. Indeed, a major problem existed when nearly 1 billion people on the planet had almost nothing on which to survive. There was a need for genuine solidarity and the establishment of strong ties to assist the less developed countries in their economic development and democratization. Elements such as the external debt and the financial markets had generated problems for the developing world and for Africa in particular, which fuelled political or religious extremism. Clearly, there was a link between democracy, respect for human rights and development. One could not exist without the other. Democratization in Africa was a difficult process. It often generated human tragedies as a result of the collapse of local economic systems. The external debt seriously hindered development. There was a real need to establish an international economic environment that fostered the development of all members.

BASSAM KUBA, observer for Iraq, said the importance of the right to development was affirmed by the Final Document adopted at the summit of the

Non-Aligned Movement held in September 1992 in Jakarta. The Iraqi citizen and his family lived in daily deprivation as far as food, education, medicine and other aspects of life were concerned. That deprivation was renewed automatically each month by a political decision. He questioned whether the Charter had linked respect for human rights to political decisions. There was a great deal of daily suffering as a result of the cruel and unjust blockade. Children were deprived of basic health requirements, school books, pencils and the like. The dominating countries did not consider those requirements as basic needs. He hoped the Commission would raise its voice and affirm the rights of each Iraqi citizen to the fulfilment of basic needs and the right of the Iraqi nation to development.

Right of Reply

BONAVENTURE MBARUSHIMANA, observer for Rwanda, speaking in exercise of the right of reply, said it was true that massive arrests were occurring in his country, but they were not all being carried out by the President's military forces or the militia. They were being ordered by judges with the aim of granting justice to all those who had recently been involved in the ethno-political disturbances. The aim of the arrests was thus to punish those who were guilty of human rights violations. Many people had been killed since the beginning of the war, but it was completely untrue that the Government was deliberately trying to exterminate the Tutsi minority. Rwanda had just received an international inquiry mission and would implement its recommendations.

* *** *

United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/418
17 February 1993

# COMMISSION ON HUMAN RIGHTS HEARS LATVIAN MINISTER FOR FOREIGN AFFAIRS

## Continues Debate on Right to Development

GENEVA, 15 February (UN Information Service) -- Latvians made up only 52 per cent of the inhabitants of their country, Georgs Andrejevs, Minister for Foreign Affairs of Latvia told the Commission on Human Rights this morning. They were an absolute minority in the seven largest cities, including the capital Riga, where only one third of the residents were ethnic Latvians.

Latvia's demographic situation, he added, was not one of natural national or ethnic minorities, but the result of a series of large-scale population transfers resulting from deliberate policies of the Soviet Government. The country had had little time to reverse the effects of 50 years of foreign occupation, and much remained to be done to create a State based on the rule of law.

Also this morning, the Commission continued its debate on the right to development and economic social and cultural rights. The representative of Denmark, speaking on behalf of the European Community and its member States, said success in the campaign against poverty required developing countries to formulate policies aimed at reforming and achieving a more equitable distribution of national wealth and the attainment of sustainable development. Such a goal could not be achieved without the establishment of democracy.

The representative of the International Monetary Fund (IMF) said economic misalignment was the reason for undertaking structural adjustment policies, and it was that misalignment which put the enjoyment of human rights in jeopardy. Inequity had created the need for structural adjustment rather than the other way round. The Fund was, however, undertaking measures to ease the short-term adverse effects on the more vulnerable parts of the population.

Also taking part in the debate were the representatives of Venezuela and Syria, as well as the observer from Ecuador. The representative of Cuba spoke in exercise of the right of reply.

(more)



For information media--not an official record

The following non-governmental organizations also took part in the discussion: the Commission for Defence of Human Rights in Central America, the World Organization against Torture, the Commission of Churches on International Affairs, the International Association against Torture, the International Immigrants Foundation and the World Christian Life Community.

Statements Made

GEORGS ANDREJEVS, Minister for Foreign Affairs of Latvia, said the Baltic States were still dealing with the daily consequences of the Second World War. Latvia was still colonized and Russified today. During that war, more than 500,000 people were killed or deported by the Soviets and Nazis or fled to the West as refugees. There followed a series of deportations of more than 100,000 civilians from Latvia from 1945 to 1949 and in 1959. After 1959, Moscow had ordered a campaign of intense, needless and baseless large-scale industrialization for Latvia, along with intense colonization. Those policies had heightened social and national tensions. By the end of the 1970s, Latvia was in a state of deep social, economic and ecological crisis. Today ethnic Latvians were a minority in their home territory where they had lived for more than 4,000 years. Latvians, according to the 1989 Soviet census, constituted only 52 per cent of the total inhabitants in Latvia, and were an absolute minority in the seven largest cities of Latvia, including the capital Riga, where now only one third of the residents were ethnic Latvians.

On 21 August 1991, he went on, the Supreme Council of Latvia had restored the 1922 Constitution of the Republic. That act of restoration had legal as well as political meaning, because it had confirmed the legal continuity and identity of the Latvian State established on 18 November 1918. Consequently, the Government of Latvia was committed to the restoration of all those legal, economic and civil rights which had existed in Latvia prior to the Soviet invasion of 1940.

In order to facilitate the re-establishment of Latvian statehood, he said, the Government was registering all those individuals resident in Latvia or their descendants who were recognized as citizens by the 1922 Constitution and the citizenship laws of 1919 and 1927. Other persons resident in Latvia were also being registered under the provisions of the registration law. After registration, those individuals would be entitled to permanent residency status until such time as they chose to become naturalized Latvian citizens. It was important to note that Latvia also recognized the inherent legal right of all its non-Latvian stateless residents to choose any particular foreign citizenship which might reflect such persons' personal interests and national or ethnic identification. Those and other legislative acts did not support the accusations constantly made by Russian officials, and the Russian and Western mass media, that Latvia was responsible for "discrimination against ethnic Russians", "mass violations of human rights" and "aggressive nationalism". Those charges were not justified by the findings of the Rapporteurs of the Council of Europe or by the fact-finding missions from the Centre for Human Rights and the High Commissioner for National Minorities of the Conference on Security and Cooperation in Europe (CSCE), he added.

(more)

Latvia's demographic situation was not one of natural national or ethnic minorities, he continued, but the result of a series of large-scale population transfers, most of which had resulted from deliberate Soviet Government policies which had led to an influx of Soviet military forces and retired Soviet military officers, deportations of Latvian residents and large-scale industrialization with imported managers and workers. To eliminate the consequences of five decades of Soviet occupation and settlement, Latvia reserved the right to implement a policy of affirmative action in employment in favour of Latvia's indigenous population. Such a policy would not affect the human rights of Latvia's stateless residents or foreign citizens. Much had been said and written about the fate of Russians in the former Soviet Republics. Yet, at the same time, the situation of national minorities and ethnic groups in the Russian Federation had received little attention. He had deep concern about the fate of Latvians in Russia, especially the restoration of their Latvian citizenship and its associated legal and economic consequences.

He called for the Commission's understanding of the true facts in Latvia. There was no room for ultimatums and international-level blackmail, he said. Every country had the right to decide its own development pace and to guard against external and internal threats. In that process, Latvia had been guided by those obligations which the Republic had undertaken by becoming a full Member of the United Nations, the CSCE and other international organizations. Latvia was in a period of transition. It had little time to reverse the effects of 50 years of foreign occupation and had even less opportunity to re-create a professional, dedicated civil service. Much remained to be done to create a State based on the rule of law. All of Latvia's residents -- citizens and non-citizens -- were guaranteed the fundamental freedoms enshrined in the Universal Declaration of Human Rights. Given the terrors of the past decades in Latvia and the current terrors in other parts of the world, that fact alone served as a basis for hope in the future.

ALFREDO PINOARGOTE (Ecuador) said the increasing complexity of modern life made achieving the right to development yet more difficult and challenging. Countries that had focused on democracy and market economies were now paying more attention to social programmes, as often there was a division between rich and poor that grew more rather than less pronounced. Today, the mounting debt was a large problem. The debt crisis was interfering with international programmes, both public and private. In the case of government-to-government funding, there was a lack of oversight and careful targeting of programmes. Many programmes were extremely wasteful -- they supported projects that did not foster development, had no social priority and worsened the debt burdens of developing nations and that, in turn, led to cuts in social and health programmes.

Ecuador proposed that more attention be paid to the concept of using government-to-government financing only for projects of undoubted social importance. Priority should be given, in this time of scarce funds, to work of clear value, to infrastructure problems and to funding that would help the poor, children and the malnourished. The right to own property was crucial

for economic development and human rights; and it was important to realize that unrestrained market economies did not solve all social problems. Programmes focusing on human rights were necessary to prevent an atmosphere of unrestrained mercantilism.

JAKOB ESPER LARSEN (Denmark), speaking on behalf of the European Community and its member States, said the efforts of the Community and recipient countries had affirmed that public development assistance would continue to be crucial in the development process, especially for the least developed countries. The campaign against poverty would continue to be the focus of development cooperation activity. Success in that campaign required, on the part of developing countries appropriate policies aimed at reforming and achieving a more equitable distribution of national wealth and the attainment of broad-based sustainable development. Such a goal could not be attained without the establishment of democracy and representative institutions which functioned well. The Community's development policy would be an integral part of its external relations policy, thereby ensuring that the latter took due account of development and human rights objectives. However, there were areas where new or renewed efforts were required. Against that background, the Community had initiated programmes in support of the democratic structures within individual societies.

Far too often, he continued, political ideas or ideologies had been misused, for instance, as a pretext for a so-called development process through totalitarian or authoritarian means. Most of them had failed, often causing immense suffering and distress for the vast majority of the population of the countries concerned. The question of the right to development had to be examined in the light of the relationship between human rights, democracy and development. The European Community would continue to protect and promote all economic, social, cultural, civil and political human rights with the same energy. By combining national action and international cooperation, and by ensuring that development and increased democracy nevertheless remained, in the first instance, national responsibilities. The European Community had no model to impose. It was for the States concerned to set up structures, particularly structures that promoted dialogue, in order to respond to the needs and wishes expressed by the people. Without the active, voluntary participation of the individuals and groups concerned, development policy was doomed to failure, he added. The individual was at the centre of both human rights and development policies.

H.B. JUNZ, of the International Monetary Fund (IMF), said the Fund was fully meeting basic human needs and providing the ways to fulfil them in a manner commensurate with basic standards of decency. Achieving those goals required bold action, first to remove the impediments to their achievement, and then to maintain them. Bringing about better use and distribution of resources required "structural adjustment". The reason for undertaking structural adjustment, namely, economic misalignment, put the achievement of basic human rights in jeopardy. Growth could not be an aim in itself, as it was the structure of growth that was important. Where the latter was inadequate, the poor would grow poorer and the rich not necessarily richer. It was inequity that created the need for structural adjustment, rather than

structural adjustment which caused inequity. It was not a question of adjusting or not, but whether adjustment was orderly and coherent and thereby capable of achieving positive results .

Policy efforts had to include measures to ameliorate short-term adverse effects on the social structure, and particularly on the more vulnerable parts of the population, he said. The Fund, in collaboration with the World Bank, had been paying increased attention to how to shape such measures. While none of those efforts was sufficient to remove the weight of adjustment from the poor, often the conditions in the adjusting countries themselves -- financial, social and otherwise -- undercut the effectiveness of such programmes. Inadequate resources and poor implementation were major causes, but most important was the need to overcome the great power of vested interests. Support -- politically and materially -- for the broader application of such measures and for increasing their effectiveness, and recognition both of the realistic limits that unfortunately existed in bringing about full equity, and that economic change was part of the remedy rather than a cause, would be an important achievement of the deliberations of the Commission.

VILMA NUNEZ, of the Commission for the Defence of Human Rights in Central America, said new development policies, as prescribed by nations in the region and by funding agencies, contradicted international human rights standards. The extent of poverty in Central America made the development of democracy and the enjoyment of human rights difficult, if not impossible, at present. People were starving and cholera was widespread, and war, although much of the world thought it was over in Central America, continued to be a major problem. The new structural adjustment policies were a new scourge -- worsening the right to health, the ability to find employment and to pursue education. Social security and public services were being privatized, and so were human rights and only those who could afford them could enjoy them.

Land use was also threatened; many people had lost access to land and property, and to the food and wealth that came from the use of land. Women and children were suffering the most. There was a major problem with prostitution; to survive, women were driven into that "informal" economy. There were huge problems with housing and with unemployment; in Nicaragua, for example, the jobless rate was 65 per cent. Minority groups, indigenous communities and refugees had also to be considered when development programmes were conceived and arranged. Development and human rights should not be for the privileged few.

ERIC SOTTAS, of the World Organization against Torture, said recent United Nations development programmes seemed to encourage human rights more effectively. Countries seeking international aid now seemed to take into account more often an obligation to respect human rights. Nations providing aid seemed to be demanding respect for human, cultural and economic rights as conditions for financial assistance. Germany was an example. There was even analysis of the priorities given to those rights as compared to military spending.

However, such programmes only worked if applied consistently, he said. Sri Lanka continued to receive aid, although there had been immense human rights problems there, and spending on health and education had declined, while military spending had increased. Donor Governments should adopt concerted and consistent policies in that area. Indonesia, despite persecution in East Timor, received increased funding from international agencies such as the World Bank. The World Bank claimed it was forbidden to interfere in Governments' internal policies, but he believed that the Bank should look more closely at Governments' human rights records.

JOHN SIEBERT, of the Commission of the Churches on International Affairs, said he did not support the view that difficulties in implementing civil and political rights were entirely a consequence of international economic policies which limited a government's ability to promote and protect human rights. Neither did he support the view that a state's respect for civil and political rights would necessarily lead to economic prosperity when serious impediments were put in its way by the current international economic order. That debate had for too long impeded genuine progress in the Commission concerning the human rights implications of international economic policies.

There could be little objection to the goal of creating stable national and international economic conditions in which business could be done with a reasonable degree of security and certainty, he said. However, the claim that stability could be purchased at the cost of civil and political rights or the deterioration of living conditions experienced by many in the South, was unacceptable. The Commission should direct its energies to developing and then effectively monitoring mechanisms within the international financial institutions with respect to human rights observance and the impact of their programmes on the realization of economic, social and cultural rights. By the same token, the issue of national governments' performance in the development of programmes and the delivery of appropriate services to meet their citizens' basic economic, social and cultural needs, should be subjected to genuine international scrutiny. The issue of human rights and other conditions attached to foreign aid needed further reflection as well.

ROGER WAREHAM, of the International Association against Torture, addressed the question of development and the need for the creation of a bias-free monitoring and implementation instrument. He said the United States Government inflicted a deliberate policy of underdevelopment on its 40 million residents of African descent and, through its foreign policy, on developing countries around the world. The continued lack of progress in the developing countries was neither an accident nor caused by any genetic, racial or geographical defect. The genesis and maintenance of underdevelopment were the results of deliberate policies controlled by those countries whose smug superiority and economic ascendancy were based on the ruthless exploitation of those very countries which were now blamed for their own predicaments. Africa's attempts to pull itself out of its underdevelopment had been tied to the vicissitudes of the world market African Governments, as well as the African Development Bank, were concerned about the increase in the number of strings that were being attached to aid. The situation was representative of the North-South contradiction played out across Latin America.

LUIS ZUNIGA REY, of the International Immigrants Foundation, said economic, social and cultural rights were connected with civil and political rights. Small countries, like Costa Rica, Uruguay, Israel and Taiwan, had achieved economic, social and cultural rights; they were not only the privilege of larger States. However, the attainment of those rights could not be enjoyed in States where the Government did not tolerate strikes or disagreement with its opinions, or did not permit artistic expression.

The right to an adequate standard of living was also linked to the national resources of a country and what that Government did with them, he said. Some countries deserved to be denounced -- those which received aid and still kept their citizens poor; States which produced sugar but sold it to its citizens; States where the Government relied on the force of arms to control its people. Cuba was that country.

HERNANDO HERRERA, of the World Christian Life Community, said that in small communities in Central and South America, his organization was building respect for life and for human rights. The Community wanted to point its finger at the rest of the world, which did not sufficiently support the poor of the world. The huge debt payments inflicted on the developing countries were causing extreme poverty, and the supply of weapons and instruments of war by the rich nations to the poor only increased the misery of the latter.

The poverty of the majority of the world's people had actually increased since the 1970s, he continued. It was necessary to focus on life and on international assistance that really mattered; the current, consumer-based existence of the richest parts of the world did not reflect the real needs of the majority of the world's people. The gap between the rich and the poor was enormous and growing larger. The world's poor required substantial help in agriculture and industry. Economic and social help must be based on mutual respect, and there must be a greater concentration of efforts against pollution, drug trafficking and violence in all its forms. In Latin America, there was a new authoritarian, violent current in life and in Government.

HORACIO ARTEAGA (Venezuela) said the significance of economic, social and cultural rights could not be underestimated. Human rights were an indivisible whole, but those rights should not be separated from political and civil rights. In Latin America, both sets of rights were mutually respected and inseparable. Development was necessary for the protection of civil and political rights. Only where democracy was dominant and popular participation was at the centre of State policy, could citizens attain the rights needed to achieve sustainable development.

Human rights had little meaning in the face of poverty which, as the Secretary-General had pointed out, posed the greatest obstacle to the enjoyment of the right to development at the international macroeconomic level. Tariff barriers, the debt burden, the lack of technology transfer and immigration policies were the reasons for the disparity in the distribution of global wealth. He welcomed the creation of a high-level committee of experts to report to the General Assembly on the right to development.

HAMZEH DAWALIBI (Syria) said the well-being of all peoples must be addressed by international development programmes. Syria followed the essential principle that all were entitled to property, and prosperity, and recently a new national policy had been adopted to foster development in a logical way. The plan would enable all sectors to assume responsibility for economic progress. International responsibility was also necessary, and democratic values, human rights and the rule of law must be respected. That meant respecting state sovereignty. The countries of the South could not be disregarded by those of the North. The developed world had a special responsibility for combating environmental problems, such as the depletion of the ozone layer, otherwise the right to development would never be extended to the South. Reciprocal respect and assistance were necessary.

Right of Reply

M. FERRIOL ECHEVARRIA (Cuba) said that one non-governmental organization this morning had shown how ignorance could be harmful. Anyone familiar with economic and social development in Cuba, in the fields of education and health, for example, would be aware of Cuba's successes in promoting economic, social and cultural rights. The representative of that non-governmental organization was also unaware of the existence of racism and apartheid in the United States, and wanted to see Cuba annexed to the United States. He should cease spreading lies about Cuba.

* *** *

United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/419
18 February 1993

HUMAN RIGHTS COMMISSION CONCLUDES DEBATE ON RIGHT TO DEVELOPMENT

GENEVA, 15 February (UN Information Service) -- The right to development continued to be the central topic of debate as the Commission on Human Rights this afternoon concluded its discussion on economic, social and cultural rights and on the status of the human rights instruments.

Speaker after speaker stressed that the recession now affecting the industrialized democracies was drying up aid to less-developed countries at the same time that crushing foreign debt burdens were forcing impoverished nations to cut back on existing health and education programmes and on other efforts to bolster economic and social rights.

The representative of the World University Service drew attention to violations of the right to education and asserted that there was repression of academic communities in Myanmar, Lebanon, Malawi, Palestine, Paraguay, Sudan, Sri Lanka and Swaziland. She suggested that the Commission appoint a special rapporteur to study the matter. The Canadian delegation recognized the tremendous challenges faced by developing countries in improving their human rights situations, but said Canada would distribute its limited funds for development to those nations which respected human rights. The Israeli delegation emphasized the progress the country had made in economic development despite having few natural resources.

Addressing the Commission were the representatives of Canada, Colombia, Sudan, Mexico, Cuba, India, Poland, United Kingdom, Kenya, Netherlands, Romania, Brazil, Russian Federation, Guinea-Bissau and Bulgaria. The observers for Israel, Senegal, Sweden and Egypt also spoke.

The representatives of the following non-governmental organizations also made statements: World Alliance of Reformed Churches; World Confederation of Labour; International Indian Treaty Council; World Federation of Trade Unions; World University Service; Indian Council of South America; World Conference on Religion and Peace; Service, Justice, and Peace in Latin America; American Association of Jurists; and World Federalist Movement.

The representatives of Sri Lanka, the Philippines and the Sudan spoke in the exercise of the right of reply.

(more)

For information media--not an official record

Statements

ANNE PARK (Canada) said legal acceptance of human rights conventions must be accompanied by action to ensure the obligations undertaken were indeed respected. Effective monitoring by responsible treaty bodies played a critical role in ensuring implementation. The United Nations as a whole bore the responsibility for ensuring that the human rights treaty bodies were adequately financed. The anomaly of having only five out of seven existing treaty bodies being financed out of the regular United Nations budget should end. By contrast, the costs of attendance for members of the Committee on the Elimination of all Forms of Racial Discrimination and all costs incurred by the Committee against Torture were borne exclusively by the States parties to the respective Conventions. That situation threatened the viability of those important organs.

Recent events in several regions of the world made it increasingly evident that serious violations of human rights represented a significant factor in eroding international peace and security, she said. Effective international machinery for the protection of those rights would represent a crucial element of the future foundations for freedom, justice and peace in the world.

LIGIA GALVIS (Colombia) said the two human rights Covenants had led to the development of a new concept of democracy. The Covenant on Civil and Political Rights stipulated that States would create conditions for the enjoyment of all human rights by all people. A certain disregard for the interdependence between the two categories of rights had created a sort of dichotomy between the two Covenants. Interdependence did not mean that one set of rights had precedence over the other. Developing countries, however, were faced with a political, economic, social and cultural imbalance which did not allow for progress in the realization of civil and political rights. As a result, democracy was confronted with obstacles. Under the Charter and the Covenants, States had assumed the responsibility for creating conditions for the enjoyment of human rights. Developing countries, however, did not have the necessary capacity to do so.

The right to development had to be considered as the synthesis of all human rights, she said. There was a need to guarantee equity in international trade relations. For developing countries, the most important necessity was to be assured of having markets for their exports. Despite the progress made in the multilateral trade negotiations of the General Agreement on Tariffs and Trade (GATT), the exports of developing countries had continued to shrink. The consequence was a deterioration in the conditions of life for many people of developing countries. In addition, the prices of exports from developing countries were at their lowest levels. She called on the Commission to pursue its studies on such issues as poverty and to identify the obstacles to the realization of the right to development.

HAFIZ ELSHZIKH ELZAKI (Sudan) said that the least developed countries were convinced that the international community should be more aware that it was responsible for ensuring the right to development for the countries

concerned. The international consciousness needed to be activated and encouraged in that respect. However, narrow definitions of political participation as set out in the report should be avoided.

All States had the right to define their own types of political arrangements, he said. The largest obstacle to achieving development was external debt, unfair international trade restrictions and barriers, lack of technology transfer and immigration policies. Most least developed countries' problems in human rights were related to poverty and national disasters, which had a direct effect on the enjoyment of basic human rights. Security interests were vital to the enjoyment of human rights, and the right to development was inviolable. His Government had an extensive programme to deal with economic improvements for the period 1992-2002.

CLAUDE HELLER (Mexico) said the concentration of economic growth and technological development in a limited number of countries was a source of instability around the world. The right to development was not a subsidiary principle; it was the most rational way of creating conditions for stability, and therefore for democracy. The international obstacles did not exempt States from adopting specific policies which were in line with the right to development.

The fight against extreme poverty had to become a priority for the international community, he continued. The process of democratization ran the risk of becoming an accident in history if there was not a serious effort to meet people's basic needs. Mexico had given priority to fighting poverty. The forthcoming World Conference on Human Rights, to be held in Vienna in June, was a perfect opportunity for discussing the right to development. The Centre for Human Rights had very scarce resources. It should have enough skilled personnel so that it could engage in studying the obstacles to the enjoyment of economic, social and cultural rights. Greater coordination among United Nations bodies and agencies was also necessary in order to achieve the objectives of the Declaration on the Right to Development.

JOSE PEREZ NOVOA (Cuba) said the right to development was an important pillar in the fundamental principles of global human rights. The last two decades, however, had seen a widening in the gap between developed and underdeveloped countries. The number of least developed countries was increasing and developed countries were failing in their responsibility to help them. The North-South dialogue had not yielded the political will to help the underdeveloped countries. He asked how developed countries, especially the United States, could morally attempt to impose their political systems on other countries.

The international community should take steps as soon as possible to implement the inalienable right to development for the least developed countries as the Charter required, he continued. The establishment of a world assembly of experts could help in that sphere. For 35 years, Cuba had tried to build a just society notwithstanding the criminal economic blockade by the United States. The Cuban people would, however, continue to advance and defend the country's social achievements.

NEELAM D. SHABHARWAL (India) said there was little doubt that democracy and pluralism were going to be the pattern of the future. But, how meaningful was the word democracy if it could not meet the vast needs of food, shelter, health, literacy and employment? The challenge was, therefore, not so much in establishing democratic patterns, but in making democracy work to meet the basic needs of people. The greater part of humanity shared the problem of poverty and underdevelopment. During the year of the World Conference on Human Rights it was appropriate for the Commission to emphasize that development had to be at the centre of global concern if indeed there was genuine interest in promotion of human rights everywhere.

True development required recognition that the various human rights were indivisible and that development was inseparable from human rights and the rule of law. All rights were indivisible and should be treated in an integrated manner. India considered the Declaration on the Right to Development as one of the most important initiatives of the United Nations towards innovative standard setting since it provided legal recognition of that very essential right. India hoped for a movement forward from the declaratory aspects of this important right to standard setting and concrete action. National and international measures were both necessary for the implementation of the right to development and of economic rights.

KRZYSZTOF DRZEWICKI (Poland) said that more attention should be given to economic, social and cultural rights as well as to the right to development, to implementation and monitoring, and to the identification of large-scale violations. His Government supported the idea of holding a World Summit for Social Development in 1995. He noted commendable efforts on the part of different United Nations bodies and other international organizations to integrate human rights and social concerns in their policies and programmes.

It had become a part of policy, as stated by the International Monetary Fund (IMF), to stress that programmes of structural adjustment and of transition to market economies must have safety nets, he continued. The right to individual private property constituted a universal human right.

Concerning the regular reports on the status of the International Covenants on Human Rights, in the future they should offer more of an evaluation on emerging trends and obstacles, he said. In view of the central importance of reporting mechanisms, the problem of excessively overdue reports had become a matter of serious concern. It should be found unacceptable if a persistent failure to report resulted in the State concerned being immune from supervision while others, which had reported, were subject to careful monitoring.

JOHN RANKIN (United Kingdom) said that during the Commission's six weeks session it was sometimes easy to forget the existence of a world unfamiliar with the intricacies of the Commission's work and critical of it. Such critics would point out that it was not enough for States merely to deposit their instruments of ratification and to declare that they would respect the rights contained in the Covenants. Some States, those critics would say, paid scant notice to the obligations of reporting regularly and, much more important, to obligations of substance as opposed to procedure. Another

source of criticism of the system by the world outside was the somewhat complicated and not always effective operation of the treaty monitoring bodies. Then there was the problem of overlap between inquiries made by one monitoring body and those made by another.

He said Philip Alston's 1989 report had suggested some practical remedies on reporting obligations by States parties, monitoring of compliance with obligations assumed under the various instruments and more effective standard-setting procedures. Building on that document and subsequent work, the forthcoming World Conference on Human Rights should make effective progress to set in motion the better implementation of existing human rights standards and instruments, economic and social as well as civil and political. Such improvements would be in the interest of all Member States.

D.D.C. DON NANJIRA (Kenya) said the new world order should strike a balance and shift its emphasis to action in order to promote equitable development and economic, social and cultural rights rather than lay stress on civil and political rights. Special rapporteurs should be given broader scope and a more balanced mandate.

He called for investigation of ways to alleviate poverty, the reverse transfer of resources, the impact of structural adjustment policies, disarmament for development and human rights and equitable development. Structural adjustment aggravated rather than alleviated the socio-economic situation of developing countries. The situation in Africa was a major cause for concern. A massive flow of resources should accompany structural adjustment policies in that continent. The deterioration in the economic performance of the developing world had resulted from external factors beyond the control of those countries. More innovative and serious strategies should be put in place to ensure full enjoyment of human rights all over the world.

ARIEL KEREM, observer for Israel, said his Government believed strongly in the basic right of all people to development. Regrettably, that was not a divinely ordained right, but rather one that peoples had to ensure for themselves. There was little doubt that Israel's own development experience had been generally successful. The Israeli approach to development had been holistic, based on a strong belief in the interrelationship of problems and the cyclical nature of the underdevelopment trap.

To enable people to realize their right to development, they should be given both the essential tools and assured of the environment in which to use them, he said. Improving the quality of life for the majority of the world's deprived required, as a first stage, fundamental advances in the food crop sector and in rural development. In the longer term of extreme poverty, but not necessarily famine, the problem was often how to break down the vicious cycle of overpopulation, negative saving, minimal access to production resources, know-how and credit.

Absolutely essential in order to break out from the poverty and overpopulation cycle was the role of women, he continued. A society which was setting out to rebuild itself should encourage self-sufficiency and pride in achievement.

C. FLINTERMAN (Netherlands) said it was a sad fact that economic, social and cultural rights were still often considered to be only lofty aspirations, the realization of which was dependent on the stage of economic development of a particular country The time was long overdue that those rights should be seen as rights per se and entailing legal obligations for States. Two organs within the United Nations system, the Committee on Economic, Social and Cultural Rights and the Subcommission on the Prevention of Discrimination and the Protection of Minorities were playing a very important role in this regard.

There were numerous examples of violations of the right to own property, he said. Whatever the role of the State in promoting societal interests, such a role could never go that far as to expropriate any property on almost unlimited grounds and without providing adequate security and compensation to the individuals and families involved.

He said he hoped that the special rapporteur would be able to continue his work and devote more attention to the relation between the right to property and the right to housing, the interests of indigenous peoples, concrete cases, examples of the positive impact of property protection on development and concrete lessons to be learned from recent experiences. The rapporteur could also devote attention to the question of discrimination against women in connection with the right to own property. He called for further studies on the problems encountered in formulating and implementing economic, social and cultural rights. The role of non-governmental organizations in that field was of crucial importance. They should be encouraged to continue to play a meaningful role in the realization of the freedom from want everywhere in the world.

ALVARO SENTURIAS, of the World Alliance of Reformed Churches, said that the debt burden of the countries of the South was a major drain on their resources. They paid $50 billion more in debt service each year than they received from the North. This indebtedness was rooted in a developmental model prescribed by IMF and the World Bank that was not responsive to the needs of the majority of the population. Moreover, the structural adjustment policies being imposed by those financial institutions ignored the root causes of the problems afflicting the countries of the South and weakened their economies in the process. This was particularly evident in Asia, where foreign debt had nearly doubled over the last 10 years.

For example, the total debt of the Philippines now stood at around $52 billion, of which more than $29 billion represented foreign debt. The Philippine Government had opted to honour all of its debts and was allocating 40 per cent of the national budget for that purpose. While the Philippine President made pronouncements about combating poverty, the Government was in fact protecting the interests of the few and was furthering the suffering of an already oppressed people. He welcomed the Government's pursuit of the peace process with the National Democratic Front and with other armed opposition groups and hoped that this would lead to a just and lasting peace.

BEATRICE FAUCHERE, of the World Confederation of Labour, said destabilization was developing in Eastern and Central Europe due to social insecurity and unemployment. Recently, the world had seen the internationalization of the economy and economic borders had literally exploded. The international business community used the law of the jungle, which placed the countries of the South at the mercy of political-financial decisions taken by the North. The policies of IMF and the World Bank had gravely violated economic, social and cultural rights. International work norms were being disregarded, a factor which contributed to the spread of poverty. The Commission should follow up the recommendations contained in the Secretary-General's plan of action. If the right to development became part of the fundamental reforms undertaken by the international financial institutions, a great step would be taken towards justice and equality in the world.

MARIO IBARRA, of the International Indian Treaty Council, said the Declaration on the Right to Development qualified that right as "inalienable" and linked it to the right to self-determination. The right of indigenous peoples to their ancestoral lands or places of worship was not, however, respected. They had, on the contrary, been the victims of development projects. The technical conference of the United Nations on the environment and indigenous peoples and the "Earth Summit" in Rio de Janeiro last June had demonstrated the development needs of the indigenous communities and nations. The Rio Summit had noted that, while a minority of the earth's population owned the majority of its wealth and resources, the majority could not meet its basic needs. This was a warning which called for immediate action and posed challenges for development plans.

For indigenous people, the earth was sacred; it was the source of life, he continued. The indigenous people had three basic requirements in order to exercise their right to development. Those were the ability to control and administer their own territories, to recover the lands which had been taken away or to receive compensation when the lands had been polluted, and to participate in the development, execution and evaluation of development programmes which directly affected them. In Guatemala, the indigenous people were calling for the return of their lands. Seventy per cent of that population did not have arable land. In North America, the University of Arizona and the Vatican wanted to install a telescope on Mount Graham, which was a religious site for the Apaches. He asked for that project to be abandoned.

DANIEL RETUREAU, of the World Federation of Trade Unions, said that the ideal implementation of civil and political rights was still a long way off for most of humanity. That was true especially if States continued to pursue transnational capitalism. In developing countries, a decline in socio-economic sectors would continue and unemployment would rampage worldwide. Generally, adjustment policies had made the rich richer and the poor poorer. Trade union rights were considered obstacles to financial profitability. Sophisticated methods of repression were used in Colombia, the Philippines, Peru, the United States, the United Kingdom and France against trade union members. Participatory democracy necessarily involved

consultations. The appeals to IMF in the report of the Secretary-General should not fall on deaf ears. He called for training, recycling, reducing work hours and better use of technology, along with ceasing to use workers as tools to be thrown away. The goal of economies should be the satisfaction of workers' material and intellectual needs, and respect for their human dignity.

FREDERICK DE VLAMING, of the World University Service, drew attention to the second report his group was about to publish on academic freedom and the right to education. The book included extensive descriptions of repression occurring in the educational sector and among the academic community in Myanmar, Lebanon, Malawi, Palestine, Paraguay, Sudan, Sri Lanka and Swaziland. Among other things, educational rights and academic freedoms were being seriously violated in Myanmar; in Lebanon, the war had had an impact on the availability of both elementary and higher education; and the school system in Malawi was characterized by discrimination and censorship of textbooks and course materials.

Educational institutions in Palestine were closed in the name of security by the Israeli military authorities, he continued. In Paraguay, the heritage of the former régime hindered efforts to improve the level of education and to remove discriminatory and authoritarian practices; in the Sudan, educational institutions were now required to espouse the regime's fundamentalist ideology; and the continuing civil war in Sri Lanka had had its impact on the right to education and affected the human rights of academics and students. Students were one of the groups that had borne the brunt of State repression in Swaziland.

His organization had been the co-author of a new Declaration on Academic Freedom which aimed to give protection to the higher education sector. It would be presented to the World Conference on Human Rights later this year, he said.

LAZARO PARY, of the Indian Council of South America, said the phenomenon of external debt was part of the colonial process begun in 1492. It was a perverse mechanism of the world capitalist system to ensure the flow of money from the poor to rich countries. In Latin America, the situation was tragic. The policy of loans had brought those countries to their knees. The continent had become an exporter of capital to the capitalist world. Every year 3,000 tons of gold was paid out in interest.

That flight of capital, he said, was crippling the continent, thus the urgent need to end the plunder of the resources of the poor by the rich. This was an example of neo-colonialism and the countries of the North had an immense responsibility to compensate the aboriginal peoples for the unimaginable destruction caused by the colonization of their ancestral homelands. Such a compensation was in conformity with international law.

NICOLAE ZAHARIA (Romania) said all categories of human rights were indivisible. It helped to have the advice and expertise of international organizations and of established democracies as countries in transition remade their economies and societies. Romania's new Constitution guaranteed many

civil, political, economic and cultural rights and the country was working hard to ensure that such rights were built into its programmes and laws. Privatization was under way in industry, business and tourism.

Efforts were being made to strengthen the confidence of foreign investors, but the Government would remain involved and would keep an eye on economic and cultural rights, and on providing social insurance, he continued. The intent was to improve the "social partnership" between the private and public sectors. In the appropriate areas of privatization, the State would attempt to withdraw little by little. Romania took into consideration, in the current period of transition, the machinery for human rights and economic and social welfare which had been established by the European Community members, which had longer democratic experience in such matters.

ALAMIR BARBUDA (Brazil) said Brazil did not accept the argument of underdevelopment as an excuse for passivity in face of human rights violations and did not assert that the realization of civil, political and cultural rights had to wait for full economic development. More attention should be paid to how economic policies of developed countries affected the human rights situation in developing countries. Underdevelopment, aggravated by the structural adjustment necessary to face the obligation stemming from Brazil's foreign debt, made it difficult to provide adequate human and material resources for the institutions that guaranteed the rule of law. Brazil remained open to discussing problems with all those genuinely interested in assisting in tackling those difficult questions.

The root cause of many of Brazil's problems was a combination of an obsolete structure of land tenure and the deteriorating economic situation. Despite the significant drop in the fertility rate and population increase, every year more than 3 million young adults entered the work market in Brazil and could not find work because the economy had stalled for the last 10 years. The international community should adopt positive or preventive measures of support for those democratic countries which, while engaged in protecting human rights, struggled to overcome unjust socio-economic conditions.

V.I. BAKHMINE (Russian Federation) said that much in Russia had to be done concerning State security, minorities, the right to leave the country and the situation of the military. The mass media and the state of the prison system were other tasks to be undertaken on the way towards ensuring fully the human rights of all Russian citizens. Russia had assumed the responsibility and requirements of international instruments signed and ratified by the Soviet Union. It was concerned that in some emergent Soviet Republics, human rights were taking second place. There were attempts to muzzle opposition and human rights organizations as well as the mass media. Some former Republics were experiencing growth of nationalism. The current situation in the former Yugoslavia should be a warning to them. The guarantee of the rights of certain minorities was unsatisfactory and even discriminatory, for instance in the areas of language and education.

There should be full observance of the fundamental rights of all people. In certain States of the former Soviet Union, people were leaving due to armed conflict. The development processes of young States needed to embrace the culture of human rights. In Moldova, steps should be taken to protect minorities. The main violations of that type were taking place in areas of armed conflict. The emergent States should adopt policies which reflected the culture of human rights.

TOURE BOUBACAR (Guinea-Bissau) said the problem of development must be analysed in terms of concrete measures capable of guaranteeing minimal living conditions and reasonable progress for all. That sort of help stimulated belief and fostered beneficial interactions between developing and developed countries. It was indispensable to have a new form of coexistence between countries, based on solidarity and reciprocity. Guinea-Bissau believed that limits on scientific, technological and economic progress inexorably affected the state of human rights in a country and affected the future of such rights there.

Foreign debt was a major obstacle to economic development, he said. In Guinea-Bissau, foreign debt had reached $550 million. Greater intervention from specialized agencies was necessary in this matter in order to make possible a reduction in the grave economic and financial burdens plaguing the country. Effective mechanisms must be found to channel assistance from the United Nations system to resolve those problems. Among the possibilities were annulation of part of the debt, conversion of part of it to the country's national currency, and retroactive reduction of some of the penalties for late repayments of the debt.

Ms. PARK (Canada) said Canada frankly saw nothing to be gained in debates over whether developed countries were overly concerned with political and civil rights, or whether developing countries should give first or exclusive priority to economic, social and cultural rights, or should be held to a lesser standard of respect for civil and political rights. History was replete with examples of both good and bad human rights records among developed and developing countries alike. And the profound changes which had been engulfing the world in recent years demonstrated the crucial role which freedom and democratic processes and institutions played in the development process. A country's potential for social and economic development turned on the freedom its citizens enjoyed to participate fully in all aspects of society, no less than on governmental commitment to material prosperity. Adherence to universal human rights standards clearly could not be regarded as a mere function of gross national product (GNP).

That, she said, did not imply the imposition of "Western" values of forms of government. Canada wanted to place itself squarely in the middle of the growing consensus that those two sets of rights -- as embodied in the Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights -- were not competing priorities but two essential kinds of human rights which were fundamentally interrelated. Canada did, however, recognize

the tremendous challenges many developing countries faced in improving their human rights performances. But Canada would not give aid to Governments which flagrantly abused the rights of their citizens.

MIHNEA MOTOC (Romania) said the objective of achieving universality of human rights required the widest adherence to the international instruments. The Romanian Government had ratified the Second Optional Protocol to the Covenant on Civil and Political Rights, aimed at the abolition of the death penalty. Parliament was currently reviewing a proposal for ratifying the First Optional Protocol. Romania was party to nearly all United Nations human rights treaties. More importantly, it had fashioned a constitutional setting explicitly providing for the precedence of international human rights norms over the domestic regulations. The approach that would have international efforts focus on strengthening the implementation of the vast existing array of international stipulations on human rights, rather than on continuing to legislate new norms, was welcome.

The performance of the United Nations human rights mechanisms, the speaker continued, was substantially influenced by, and relied heavily on, the work done by non-governmental organizations. The proposal by Amnesty International, calling for the establishment of a United Nations Special Commissioner for Human Rights, was especially useful. The overwhelming consensus on the need to enhance the effectiveness of the implementation of human rights instruments was a positive prelude to the forthcoming Vienna Conference.

PETER KOLAROV (Bulgaria) said human rights and fundamental freedoms were the sphere that may have been most influenced by the dynamics of the recent economic, social and political events. The tragic events in the former Yugoslavia clearly demonstrated that the international community still had a long way to go before eliminating human rights abuses in all parts of the world. A factor of primary importance for the effective enjoyment of human rights and fundamental freedoms was the universalization of and strict compliance by all States with the provisions of the Covenants and other human rights treaties, as well as the withdrawal of the reservations made by some countries regarding those instruments.

However, he continued, experience had demonstrated that strict application of the respective international standards did not necessarily lead to the elimination of human rights abuses. It was necessary to adopt far-reaching practical measures aimed at bringing about a fundamental change in the attitudes of all members of society. Bulgaria considered adequate fulfilment of reporting obligations by States parties as being an integral part of their overall obligations under the relevant international instruments.

Due to the ongoing process of fundamental changes in the legal basis and administrative practice, he said, Bulgaria had failed to comply in time with its reporting obligations under some of the international instruments. All necessary steps had been undertaken and his country had already submitted or was in the process of preparing to submit its national reports which were due by 1993.

ALIOUNE SENE (Senegal) said a joint concept of human rights was needed -- a concept covering not just a sole category of human rights but a concept covering the search for the satisfaction of the needs expressed by the men, women and children of the world. Development was the unavoidable link between the understanding of human rights and their actual enjoyment. The late Franklin Roosevelt, in outlining the famous "four freedoms", had noted the right to be free from poverty.

Some 4 billion people suffered chronically from hunger, he said. More than 100 million people continuously fell below the standard that enabled them to lead normal active lives. Such situations led one to question the value of international covenants on human rights. Poverty cancelled out the enjoyment of human rights. No doubt the factors underlying development were such that making progress with them required respect for basic human rights. Realization of the right to development required respect for basic human dignity. He called for openness and for a successful partnership between North and South in confronting the problems of development.

HENRIK SALANDER (Sweden), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that development and respect for human rights were not competing agendas. Advancement in one area would not diminish the importance of the other. The starting point should be that the individual human being was the central subject of development. Political will was needed to secure respect for human rights. Whether a State chose to comply with its obligations under human rights norms was a matter of political decision. While the State was obliged to refrain from acts that would violate human rights, there was also an obligation to undertake positive actions to ensure the protection and promotion of all human rights. While the obligation to implement and respect human rights clearly lay with individual States, the international community would need to take responsible action in assisting States to fulfil their obligations, where so needed. Governments and international institutions could help in improving the capacity of the State to uphold human rights by promoting the rule of law through strengthening the educational, judicial and administrative structures of a State.

The forthcoming World Conference on Human Rights should identify forward-looking strategies for dealing with the question of human rights, democracy and development. The Nordic countries remained committed to a successful outcome of the Conference, with a focus on practical measures in support of efforts of individual countries. Such an integrated approach should include human rights, democracy, development and good governance and must also encompass the rights of women and children through specific scrutiny. Not least, the Conference should recommend how Governments, the United Nations system, other intergovermental bodies and organizations could promote more effectively human rights as part of their development cooperation schemes. It should also take decisions to require that relevant development programmes and projects emanating from United Nations organs be accompanied by human rights assessment statements.

(more)

HISHAM KHALIL (Egypt) said that if the world was to usher in a new era where the right to development could be realized in its individual and collective dimensions, certain obstacles should be overcome. It was not appropriate to be engulfed in arguments regarding the legal, procedural or dialectical aspects of the right to development when collective dialogue and cooperation were needed to address the current economic situation, which represented a major obstacle in the face of development.

The economic environment in many developing countries had been characterized by massive budget deficits, volatile exchange rates, payment imbalances and increased rates of unemployment, he said. Developing countries had been faced with the burden of negative net financial transfers, deterioration in terms of trade, accumulation of foreign debt, higher levels of protectionism, shortage of foreign exchange, and lower commodity prices. Furthermore, austerity policies had entailed involuntary cuts in health, education and other social services, all of which constituted a major impediment to development.

Egypt supported the idea of establishing a working group on the right to development which would examine the obstacles to implementation of the Declaration on the Right to Development. It was important to emphasize that human rights should be dealt with in a comprehensive and non-selective manner, since all were interlinked and complementary. It was the primary responsibility of all States to create favourable conditions for the realization of the right to development, in full respect for the principles of international law and in accordance with the Charter. Furthermore, States should cooperate with a view to eliminating all obstacles to development which could only be achieved through constructive dialogue, solidarity and belief in the importance and necessity of that right.

DAVID ARNOTT, of the World Conference on Religion and Peace, said population transfer was a form of demographic engineering which should be condemned as a major violation of human rights in itself. The demographic engineering being committed on the people of the former Yugoslavia was also to be condemned. Among the most horrific cases of population transfer in modern times was the "ethnic cleansing" of the Great Plains of the United States during the 1880s and, more recently, the forced removal of Navajo people from the Big Mountain area of Arizona in the 1970s. Other notorious examples were the emptying of the cities of Cambodia by the Khmer Rouge, and the current practices of the military rulers of Myanmar.

People in Iraqi and Turkish Kurdistan, South Africa, the occupied West Bank and many other areas were subject to forced removal, he continued. That was sometimes because they had the misfortune to live in strategically-sensitive areas or because their land contained valuable minerals. In addition, millions of people were forced off their land by large development projects, like the dams planned for the Narmada Valley, India, the three Gorges in China or the Gran Carajas project in Brazil. It would be of interest to look at the conflicts in the world today to see how many had at their root a forced population transfer whose pain and resentment would not go away and which, when its moment came, exploded.

(more)

RAMON CUSTODIO, of Service, Justice, and Peace in Latin America, focused on the frustration of the right to development of millions of Latin Americans. Prospects for development in that region were frankly disappointing. In Panama, for example, after the United States invasion, the economy went into a serious crisis and spiralling unemployment had ensued. Companies had been privatized, including those that were the most successful, and 25,000 civil servants had been dismissed between 1990 and 1992. The unemployment rate was 60.7 per cent, and 30.2 per cent of the population was in a state of extreme poverty.

Policies of structural adjustment in Argentina had plunged millions into poverty, and similar policies were in effect in El Salvador and in Honduras, he said. Among the results had been that thousands of girls below the accepted age worked more than eight hours per day to meet production quotas. It was necessary to find effective means to monitor social, economic and cultural rights in Latin America. Otherwise international standards would be ignored with impunity. The Commission should stress promotion of specific measures to ensure the right to development.

BEINUSZ SZMUKLER, of the American Association of Jurists, said that economic growth and reduction of inflation would not bring about development if they were not accompanied by changes in income distribution which would allow a sector of the population to enjoy the economic, social and cultural rights set out in the international instruments. The Council of Europe had adopted several double standards in relation to alleged human rights violations in East Timor, Cuba and Turkey.

Transnational corporations ignored civil and political rights, he said. Especially serious were the policies of IMF and the World Bank. He called on the General Assembly to declare the policies of institutions, individuals and Governments which impeded the right to development and the enjoyment of economic, social and cultural rights to be "international crimes". A study should be carried out into the policies of the World Bank to ensure that its practices were in compliance with the Charter.

Rights of Reply

BERNARD A.B. GOONETILLEKE (Sri Lanka), in reply to comments made by a non-governmental organization in regard to the Sri Lankan health and military budgets, said that according to the twisted logic of the author of the statement, donors should have refused aid or at least reduced it drastically in order to force Sri Lanka to bring down its military expenditure to the levels of the late 1960s. Long before the non-governmental organizations discovered Sri Lanka, it had an island-wide system which enabled its nationals to receive free education from primary through secondary to the university level. Similarly, health services had been absolutely free of charge to the population since the country gained independence in 1948. Contrary to the claim made by the non-governmental organization concerned, both education and health facilities in Sri Lanka were being expanded, not reduced.

SIRAJ ELDIN H. YOUSIF (Sudan) said he was astonished and disappointed by distorted information and baseless allegations in the statement of the so-called World University Service. The representative of that group had taken the burden of risking the name of his institution by "spreading unfounded lies" about the Sudan's education policies. A real revolution had taken place in the field of high education since June 1989. The number of universities in the Sudan had increased from three to more than 10. The number of students enjoying the right of university-level education increased 500 per cent. None of the "flagrant lies" contained in the statement concerned had ever happened.

HECTOR K. VILLARROEL (Philippines), in reply to the statement made by the World Alliance of Reformed Churches that the Philippine Government was paying back its $29 million foreign debt, said that had been done alongside a poverty alleviation programme which had nothing to do with "conditionality". The country's concern for the poor was genuine and the programme was a radical departure from "trickle-down" policies. Concerning sustainable development, the non-governmental organizations were vital to the Philippine Government on this matter. The World Alliance of Reformed Churches should realize the Philippine Government was pursuing a peace process with armed groups.

* *** *

United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/420
17 February 1993

# MINORITY RIGHTS AND RELIGIOUS DISCRIMINATION DISCUSSED BY HUMAN RIGHTS COMMISSION

## Hears Address by Poland's Deputy Foreign Minister

GENEVA, 16 February (UN Information Service) -- Robert Mroziewicz, Deputy Foreign Minister of Poland, in an address to the Commission on Human Rights this morning, welcomed the increasing involvement of the Security Council in human rights and humanitarian issues, including the emergence of the concept of humanitarian intervention as a vital measure of last resort. Such intervention reinforced existing international measures and mechanisms for the protection of human rights, he said.

The Commission this morning discussed the question of the rights of persons belonging to national, ethnic, religious and linguistic minorities. A number of speakers noted that an increasing number of conflicts around the world had resulted from tensions involving religious, linguistic or ethnic groups. Religious persecution in the Sudan, Myanmar, India and the former Yugoslavia was highlighted.

The representatives of Costa Rica and the United States made statements in the debate as did the following non-governmental organizations: World Organization against Torture, International Fellowship of Reconciliation, Pax Romana, World Movement of Mothers, Anglican Consultative Council, International Work Group for Indigenous Affairs, World Muslim Congress, International League for the Rights and Liberation of Peoples, and International Association for the Defense of Religious Liberty.

### Religious Discrimination

Under the agenda item on religious discrimination, the Commission had before it a report on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, submitted by Special Rapporteur Angelo Vidal d'Almeida Ribeiro. The report noted that although there had been some improvement in the situation worldwide, acts of religious discrimination and intolerance continued and took place under different forms of government. Such discrimination was carried

(more)



For information media--not an official record

out by individuals and by extra-governmental groups. The report called on countries to be more energetic in pursuing judicial and administrative remedies and said the international community should apply itself to publicizing and disseminating the principles of the Declaration.

Rights of Minorities

Under the item dealing with the rights of minorities, the Commission had before it a note by the Secretary-General on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The report contains an account of the technical meeting of experts on minorities which took place in Geneva from 2 to 4 January. Leading experts on minorities from different regions participated in the meeting on the invitation of the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities. The meeting had focused mainly on experiences in different parts of the world on the treatment of minorities, with the aim of finding peaceful and constructive ways of solving conflicts involving minorities. Participants had suggested that consideration be given to the establishment of an international mechanism, for instance a working group, on the question of the rights of minorities.

Statement by Deputy Foreign Minister of Poland

ROBERT MROZIEWICZ, Deputy Foreign Minister of Poland, stated that universality of human rights was not a new word for cultural uniformity. It was necessary to respect cultural diversity as the source of development and of mutual enrichment. However, diversity should in no way serve as a justification for lowering the level of human rights protection. Over the years, human rights standards had become a formal articulation of the new international morality. Not only were they instruments for the protection of human dignity but they also served as a set of moral principles for the community of nations.

Regarding the question of refugees and asylum seekers, he said that a revision of internal legislation on granting asylum could jeopardize the rights of tens of thousands of refugees and asylum seekers. Obligations accepted in the past towards such people should not be negated now by unilateral decisions. Poland welcomed the increasing involvement of the Security Council in human rights and humanitarian issues, including the emergence of a redefined concept of humanitarian intervention as a measure of last resort. Such intervention could help to bolster the international protection of human rights.

Continuing, Mr. Mroziewicz said the world was currently facing two contradictory phenomena. On the one hand, there was a clear tendency in all regions towards democracy, rule of law and respect for human rights. On the other hand, incomprehensible cruelties and massive and gross violations of the most fundamental human rights continued to occur in various parts of the world, in particular in Bosnia and Herzegovina. Those violations could continue and even increase because of the belated, inefficient and uncoordinated response of the international community. After establishing a

(more)

comprehensive set of human rights instruments, the United Nations should endeavour to implement those instruments. It was necessary to carry out a thorough review of all established mechanisms and procedures relating to human rights protection in order to achieve greater transparency, coordination, integration and efficiency.

Effective implementation of human rights principles was impossible without adequate preventive measures, he said. Prevention was always better than cure. The United Nations could do much more than it had. Education and dissemination of human rights standards was only one example. He hoped that the forthcoming World Conference on Human Rights would adopt a holistic approach, giving equal weight to all aspects of human rights. He hoped that it would also confirm the universality and indivisibility of human rights.

Statements Made

GLORIANA RODRIGUEZ (Costa Rica) said that a great number of conflicts the world was witnessing involved religious, linguistic or ethnic minorities. History demonstrated that when the rights of minorities were not respected, conflicts ensued. Costa Rica was deeply concerned about the outbreak of extremist nationalism and ethnic conflicts in all regions of the world. It was important to foster peaceful coexistence among different groups. Diversity should be welcomed.

International legal standards for the protection of minorities had undergone a positive evolution, she said. A number of international agreements existed to protect the rights of minorities. There was no need for further agreements; it was time to implement those that existed. She urged States to recognize the competence of the Committee on the Elimination of Racial Discrimination to receive communications from individuals claiming to have been victims of discrimination. It was important that in countries where there were xenophobic tendency, those responsible for crimes such as those committed by neo-Nazi and fascist groups, be brought to trial.

GERALDINE FERRARO (United States) said Yugoslavia was only one example of a country torn apart by ethnic and religious differences. Inter-clan warfare in Somalia, religious and ethnic strife in the Sudan and the Caucasus, violence against ethnic Vietnamese in Cambodia, interreligious strife in India and interethnic clashes in Sri Lanka and Rwanda were further examples of destabilizing factors for world peace and order. The list went on and on. The United States, regrettably, had its share of inter-group conflicts.

One response to such strife was the Community Relations Service, she said, a unique branch of the Department of Justice that worked to resolve community conflicts and tensions arising from perceived discrimination against minority groups. The work of that agency could well serve as a model to reduce conflict among nations. A mechanism could also be created that would link up experts in conflict resolution with situations where their services were needed. That was another service which the Human Rights Centre could

(more)

perform if it were adequately funded. It should also be possible for the Centre to carry out a pilot project in conflict resolution in an appropriate country, within existing resources, she said.

ERIC SOTTAS, of the World Organization against Torture, said the collapse of the former Soviet empire had revealed underlying religious tensions which continued to erupt into violence and resulted in serious discrimination. Persecution of gypsies was also taking place in other countries in Eastern and Central Europe, including Romania. Those people had to be protected and given a full place in Romanian society. In Turkey and Iraq it was the Kurds that needed help. In Western Europe, xenophobic demonstrations had increased. In Asia, conflict between Hindus and Sikhs in India continued, while in Bhutan, Hindus and Nepalese had been persecuted and in some cases tortured. The Burmese Government had repressed all opposition groups. Iran continued to discriminate against Muslim minorities and had refused to withdraw its death edict against the writer Salman Rushdie. In Rwanda, Burundi, Sudan, Palestine, Egypt, Algeria, Brazil, Peru, Ecuador, Colombia, Guatemala and Mexico, persecution of ethnic minorities and religious groups had been reported.

HUBERT BARBIER, of the International Fellowship of Reconciliation, said that between January 1956 -- the date of the Sudan's independence -- and 1972, a first war between the Muslim north and the non-Muslim south had killed more than 700,000 people. A second war began in 1983, following the adoption of the Islamic penal code, the shariah. The second war had resulted in the deaths of about 600,000 people, mostly southerners. That had happened despite the guarantees for religious freedom and the right to equality and justice contained in the Sudanese legislation and international conventions to which the Sudan was party. The conflict situation, he said, was a result of the application of Islamic law in a country where only two thirds of the population was Muslim. He called for an immediate cease-fire and the convening of a peace conference under the auspices of the United Nations. Free elections in the entire country should also be organized thereafter, he said.

L. THI NGA, of Pax Romana, said very serious human rights violations had been committed in Viet Nam against Buddhists and against wounded South Vietnamese war veterans. The Buddhist church was well-run and conceived and was growing in influence, especially in rural areas, as it taught strong values and opposed materialist tendencies. Church leaders of several faiths and human rights proponents had been arrested and sent without trial to prisons notorious for torture. Rights to education and property had been violated, especially in connection with Buddhist churches and hospitals. The war disabled of South Viet Nam had been forced into economic zones which were little more than gulags. Their homes had been confiscated and their orthopaedic aids taken away; many veterans had received no financial aid and had died in abject poverty. Vietnamese officials had not denied those abuses, but said only that those problems were the result of the United States-led embargo. He wondered why medicines and foreign aid would fall under that embargo.

(more)

MARIE-LAURE BECK-HENRY, of the World Movement of Mothers, referred to the painful situation of people in some territories of the former Yugoslvia. She hoped that urgent international appeals would bring peace to those areas. Former Yugoslavia was not, however, the only place where human rights were deliberately ignored. She said that the rights of aborted children and the disabled were also ignored. She hoped that real efforts towards the achievement of justice, peace and harmony in the world would be made.

W.L. WIPFLER, of the Anglican Consultative Council, said serious concern had been expressed by Sri Lankan churches, non-governmental organizations and human rights organizations, as well as international bodies, regarding the systematic and gross violations of human rights in Sri Lanka. The Human Rights Task Force, a semi-official agency of the Sri Lankan Government, had reported in August 1992 that 6,588 persons were being held in detention centres and rehabilitation camps and over 700 were detained in 90 police stations throughout the island. There were 613,077 displaced persons throughout Sri Lanka.

The most important human rights concern in Sri Lanka, he said, was the question of the rights of persons belonging to national, ethnic, religious and linguistic minorities. The Commission must demand that the Government lift the state of emergency and repeal the numerous repressive laws that violated international human rights conventions to which Sri Lanka was a party. It must call on that country to utilize every available means to reach a negotiated settlement to the present conflict that would assure the rights of the various minorities of Sri Lanka.

In the Sudan, the killing of large numbers of non-Muslim civilians, forced relocations of entire communities, the suppression of human rights groups and other independent organizations, the persecution of church officials and members, were all the result of the regime's stated objective of imposing an Islamic way of life on the Muslim and non-Muslim peoples of the Sudan. It was important that the Commission give serious attention to the tragedy taking place in the Sudan and not be diverted by questionable assurances given by the Government.

E.M. MARTA, of the International Work Group for Indigenous Affairs, said the human rights situation in Burma had only worsened, particularly for indigenous peoples. The Burmese authorities had announced some so-called concessions in the hope of securing more foreign investment and aid, but every one of those had proven to be empty and meaningless. They had announced a cessation of military attacks against the Karen and other ethnic peoples, yet those attacks continued as before. On the western border, some 280,000 Burmese Muslims were forced to flee to Bangladesh as they were being persecuted. It was now clear that to protect the rights of all people in Burma, even stronger international action was imperative.

M. AHMAD, of the World Muslim Congress, recalled that one year ago the question of the persecution and exodus of the Burmese Rohingyas minority from Arakan, in northern Burma, had been considered by the Commission. Present reports indicated that the Burmese Muslim refugees were now returning home in

small batches, and he hoped that they would find the security and protection which was their due as citizens of that country.

Referring to the plight of nearly 1 million Palestinians who were Israeli citizens, he said the difficult situation of those Israeli citizens deserved international attention. Despite being Israeli citizens, they were treated as if they were under occupation. In India, the Muslim minority constituted about 11 per cent of the population. Yet, anti-Muslim riots had been a constant feature of the Indian scene since India's independence 45 years ago. Invariably, the protection of the victimized minority by the State had been non-existent.

On the contrary, he said, reliable evidence had consistently shown that the security forces took the side of the majority community against the suffering minority. The Muslims wanted to live peacefully as law-abiding and loyal Indian nationals. They did not ask for any special privileges. The Muslim minority in India could be assisted in preserving its identity through international monitoring. The increasing misuse of history in inciting religious passions and sustaining hatreds between different religious groups deserved to be studied, he said.

VERENA GRAF, of the International League for the Rights and Liberation of People, focused attention on the plight of the forgotten Israeli citizens of Arab origin. Many legal aspects, if not the whole State structure and the policies of the Israeli Government, enhanced and perpetuated discrimination against the Israeli-Arab minority. It was obvious that due to the discriminatory policies of the Israeli Government against its minority Israeli-Arab citizens, there existed a clear category of second-class citizens in Israel. The Commission had to strengthen its action aimed at the eradication of that phenomenon of intolerance and racial, religious and cultural discrimination against minorities whenever and wherever it existed.

SAMUEL ERICSSON, of the International Association for the Defence of Religious Liberty, said the persecution of Christian minorities in countries tolerating Islamic extremists had reached new heights, including mass crucifixions in the Sudan. The civil war in that country had led to a genocidal reign of terror directed against the Christian south by the Islamic regime in Khartoum. In Saudi Arabia, which restricted Christian worship, persecution had increased since the Gulf war. The impact of Islamic extremist ideology on religious liberty in Pakistan had also increased at an alarming pace.

The Government had not sufficiently responded to attacks on and discrimination against the Christian, Hindu and other minorities in Pakistan, he went on to say. He asked the Commission to speak out against the violation of fundamental rights and religious liberty of the Christians and other religious minorities in Pakistan. He requested that Pakistan rescind the laws against blaspheming the Prophet and to bring its laws of evidence, electoral representation, and victim compensation in line with internationally accepted standards of civil and political equality and rights.

* *** *